

# **UNIVERSITY OF TORONTO POLICYTHON 2023**

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**1 WINNING BRIEFS**



# LAND ACKNOWLEDGEMENT

University of Toronto Policython wishes to acknowledge the land on which the University of Toronto operates. For thousands of years it has been the traditional land of the Huron-Wendat, the Seneca, and the Mississaugas of the Credit. Today, this meeting place is still the home to many Indigenous people from across Turtle Island and we are grateful to have the opportunity to work and gather on this land.

# PUBLIC HEALTH

What are the unique challenges that youth face which renders them susceptible to non-medical opioid use? How can previous federal policies aimed at reducing cannabis and tobacco use amongst youth, as well as existing provincial interventions, inform policy making around the opioid crisis? How can we engage youth so that they are not passive receivers of policy, but active participants in prevention efforts? What role do institutions such as school, church, family, and community centers play in addressing the opioid crisis amongst youths?



# *Preventative Measures Towards Canada's Opioid Crisis at the Federal Level*

*Faiz Jan, Liam Deaton, Farah Sobhy, McEwen Reil*

## **Executive Summary**

Canada's opioid crisis has persisted for many years and affected countless lives. Current federal policy is insufficient; it operates on sporadic provincially collected data, in addition to over-emphasizing mitigation of addiction harm and undermining preventing new addiction. This brief proposes a combination of three policies: (1) a federal subsidy for supervised consumption sites and needle exchange programs, (2) the provision of naloxone kits with opioid prescriptions, and (3) the creation of a universal national database containing all opioid prescriptions. These policies will decrease the likelihood of death from an overdose across multiple vulnerable groups, while also preventing the misuse of prescription opioids.

## **Introduction**

The opioid crisis in Canada has several causes. One of the primary reasons is the overprescription and misuse of prescription opioids, which has led to a significant increase in opioid-related deaths and addiction. Another factor contributing to the opioid crisis in Canada is the availability of illegal opioids, particularly when mixed with other substances. Opioid abuse disproportionately affects youth and First Nations Communities. Current policy is limited in that it is not implemented at the federal level, in addition to focusing solely on supporting addicts as opposed to preventing new addiction from arising.

## Approach & Results

Current federal approaches to the opiate crisis can be divided into two categories: (1) mitigation of harms, and (2) reducing prevalence of opioids. Mitigation of harms strategies include legal exemptions which allow for institutions to apply for exemptions for the creation of supervised consumption sites. To date there are only 38 such sites currently offering services in Canada, each of which must source their own financing plan.<sup>1</sup> These sites have garnered political controversy,<sup>2</sup> though studies have shown that they are a tremendous cost-effective and life-saving public health measure.<sup>3</sup> Other mitigation strategies include naloxone provision and administration education. Most provinces have taken significant efforts to improve naloxone access.<sup>4</sup> The second approach focuses on reducing the prevalence of opioids. This primarily targets non-medical prescription opioid usage (NMPOU). Surveys suggest that 0.2% of the total Canadian population reported NMPOU.<sup>5</sup> In a 2011 survey conducted amongst Ontario students (grades 7 – 12), 14.0% reported NMPOU that year. First Nations Peoples are also highly at risk of NMPOU. A Matawa First Nations survey found that 37.6% of the population are addicted to prescribed opioids. In Ontario First Nations Communities, there are 898 prescriptions per 1,000 individuals.<sup>6</sup> Opioid overdoses occur more commonly in households where someone is prescribed an opioid.<sup>7</sup> Current attempts to decrease the quantity of prescriptions include creating new guidelines for opioids for chronic pain.<sup>8</sup> These guidelines do not include considerations and supports for the home environment of the patient being prescribed opioids, representing an inadequacy in current measures.

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<sup>1</sup> Canada, Health (2022) [Supervised Consumption]

<sup>2</sup> Rufo, Christopher (2023)

<sup>3</sup> Bayoumi et al (2008)

<sup>4</sup> Canada Health (2022) [Naloxone]

<sup>5</sup> Fishcer et al. Pain Physician 2012;

<sup>6</sup> Ibid

<sup>7</sup> CIHI (2019)

<sup>8</sup> BDL (2023)

## Implications & Recommendation

### Recommendation 1 – Federal subsidy of remote supervised consumption sites and needle exchange programs

Supervised consumption sites and needle exchange programs are vital parts of opioid crisis response.<sup>9</sup> These programs help to reduce risk of fatality, and help those who have faced addiction on the path of recovery, through the presence of social workers.<sup>10</sup> Yet there are currently only 38 operating in Canada, with scarce access in remote areas. It is vital to expand the reach of these services. The Canadian government can collaborate with First Nation chiefs to provide supervised consumption sites and subsidized assistance for indigenous groups vulnerable to the opioid epidemic.<sup>11</sup> Additionally, federal copay can encourage provinces to establish low-cost supervised consumption sites. Overall, this policy will decrease the cost attached to creating new sites, allowing more areas to reap the life- and cost-saving benefits, and address the severe inequity of the opioid crisis.

### Recommendation 2 – Naloxone prescription recommendations and usage training

To better manage Naloxone supplies, Health Canada should mandate that individuals filling opioid prescriptions from a healthcare provider should automatically be provided with Naloxone kits. These kits should include information cards on administration specifically targeted towards family members. This policy would decrease the rate of overdoses among all household members, as prescription sharing is a common method of opioid abuse. This policy particularly supports vulnerable youth populations who acquire their opioids from older adults with prescriptions. Creating take-home information

<sup>9</sup> Belzak et al (2023)

cards with youth in mind encourages young people to be involved in family healthcare and simultaneously equips them to prevent deadly overdoses in other contexts. Additionally, making the Naloxone provision system opt-out reduces factors such as stigma, lack of information, or apathy, that lead individuals to avoid accessing Naloxone kits. To support this program, federal funds should be set aside to aid provincial public health departments and First Nation communities in following these guidelines.

### Recommendation 3 – National universal prescription database

A centralized online database of prescriptions should be mandated to replace the usage of telephone delivered or written prescriptions. This would greatly reduce the misuse of prescription opioids through sharing with family members, double-doctoring, prescription fraud and forgery, street drug markets, thefts and robberies and internet purchases.<sup>12</sup>

Firstly, by eliminating paper and telephone prescription communications with pharmacies, forged prescriptions would decline significantly, as only a doctor can add a prescription to this database. Secondly, centralized record keeping prevents “double-doctoring”, the act of getting a prescription from two different doctors. Finally, usage of Medical Identification Numbers in this centralized system can help law enforcement identify and investigate doctors who are potentially overprescribing the drug reducing potential negligence or malpractice. Further, street and internet drug markets will experience supply reductions as many opioids on these markets are sources through the aforementioned lapses.<sup>13</sup> There are legitimate privacy concerns attached to this policy. This system must have significant cyber-security funding. To protect doctor-patient confidentiality,

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<sup>10</sup> KG. Card, K. (2020)

<sup>11</sup> Belzak et al (2023)

<sup>12</sup> Belzak et al. (2023)

<sup>13</sup> Abuse, S. (2011)

pharmacies will be able to access prescriptions sent by a doctor, along with basic identification information of the patient, but no other access to database information. Doctors will only be able to access the profiles of their patients, who must provide access to a doctor if they wish for that doctor to provide a prescription.

## **Conclusion**

These policy recommendations are useful in many ways. Firstly, recommendation 3 centralizes and improves fractured information gathering systems, arming future policy makers with the tools needed to better target efforts, while also decreasing criminal use of POs. Recommendation 1 and 2 expand existing pilot programs and better target them towards those most vulnerable to opioid abuse. These recommendations are high-impact, simultaneously achieving policy efforts of mitigating harms and of reducing abuse. Critically, they correctly center vulnerable youth and First Nations People in the opioid crisis. These policies have also been shown to be highly cost-effective, creating savings for existing public health measures. They also have the potential to allow policy makers to adapt to future drug abuse crises.



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# HUMAN RIGHTS

How can policymakers and the policy community alleviate the burden of Canadians experiencing homelessness? What strategies and programs could the government employ to enhance and realize the promise of the aforementioned UN agreements and the National Housing Strategy Act?



# Housing Rights Commission (HRC): Reaffirming the Rights-based Approach to Housing

Zhenling (Stephanie) Wang, Anh (Percy) Phan, Shreya Shourie

## EXECUTIVE SUMMARY

Despite the National Housing Strategy's budgetary commitment to addressing homelessness, there are still substantial gaps in policy implementation on the alleviation of homelessness in Canada. Adopting a human-rights approach in assessing and enhancing current efforts, we recommend the establishment of a commission tasked with community-level consultations with Indigenous communities. With the information gathered, this commission will develop a Sub-National Housing Strategy that complements the existing Canadian National Housing Strategy Act (NHS) by centring on the unique lived experiences of Indigenous groups and responding to the needs and concerns of priority vulnerable groups in Canada.

## INTRODUCTION

Introduced in 2019, the National Housing Strategy Act was praised for its recognition of housing as an "inalienable human right" in alignment with international law and a pledge to "focus on improving housing outcomes for persons in greatest need" (Canadian Observatory on Homelessness, 2018). Despite the sizeable existing investment of over 82 billion dollars over 10 years, little is known about the effectiveness of existing policy efforts.

In addition, communities that face the greatest risk of experiencing homelessness - such as Indigenous peoples - are significantly over-represented among those experiencing homelessness while under-represented in the decision-making and policy implementation processes (Hayes, 2022). Indigenous peoples represent over 31% of shelter users despite comprising only 5% of the Canadian population (Office

of the Parliamentary Budget Officer, 2021). Nonetheless, of all services pertaining to off-reserve housing and homelessness services in Canada, only 4% are First Nations-led (Assembly of First Nations, 2021). Presently, the lack of federal oversight on the use of allocated provincial budgets has also resulted in the misuse of resources (Office of the Parliamentary Budget Officer, 2021). Rethinking the housing issue in a human-rights framework requires policymakers to situate the individual as the unit of analysis and to recognize equitable access to affordable housing as a basic necessity for the dignity, well-being, and prosperity of all humans alike. Therefore, it is necessary to ensure the inclusion of Indigenous voices in the decision-making process and align provincial programs accordingly to meet the commitments outlined in the NHS.

## **APPROACH & RESULTS**

Firstly, the rights-based approach to alleviating homelessness in Canada must begin with the lived experiences of marginalized communities disproportionately affected by chronic homelessness. It should be noted that while the current national housing strategy is admittedly the most aggressive approach thus far, it has failed to differentiate its efforts on identifying and addressing the housing needs of priority vulnerable groups (Office of the Auditor General of Canada, 2022). Many Indigenous peoples have expressed a desire to avoid community-level shelters due to the lack of accommodation for Indigenous ways of living, leading to detrimental effects on their individual dignity and well-being (Lee, 2022). Therefore, there needs to be a channel of communication between the government and Indigenous communities to include marginalized perspectives in the process.

Second, the current decentralized approach to Indigenous homelessness is failing Indigenous communities across Canada. Currently, Indigenous housing is primarily a provincial and territorial responsibility. As a result, there is a lack of

direction in the provincial approach to addressing Indigenous homelessness. Most provincial funding under initiatives such as the Community Homelessness Prevention Initiative (CHPI) and Supportive Housing Investments have gone toward emergency shelter solutions instead of prevention and addressing underlying issues contributing to Indigenous homelessness (Ecker and Hwang, 2022). There need to be coordinated efforts between different levels of government. This includes prioritizing prevention strategies that address the root causes of Indigenous homelessness, such as systemic racism, poverty and lack of access to employment and health resources. The ongoing impacts of colonialism and the residential school system compound the issue's urgency. Without a coordinated approach, we allow the injustices to perpetuate and therefore fail to uphold Indigenous peoples' rights to adequate housing as outlined in the National Housing Strategy.

## **RECOMMENDATIONS AND IMPLICATIONS**

A human-rights-based approach to the housing issue in Canada requires us to frame the issue, not in terms of market actors and forces but rather, in terms of individual lived experiences and well-being. To fulfill the existing promise of the NHS in helping those in greatest need, future policy efforts must recognize the disproportionate impact and urgency that housing issues have on Indigenous communities, which have been caused by, and will lead to, generational cycles of disadvantages and barriers, including trauma from colonialism.

As such, we call on the government of Canada to engage in targeted efforts to help marginalized communities that are affected by homelessness through the creation of a Sub-National Housing Strategy. This strategy must be grounded in the principles of human rights, accountability, inclusion, participation, and non-discrimination. It should be designed to address the unique needs of Indigenous communities and ensure that they have access to safe, secure, and affordable

housing. The following two-step recommendation is produced to ensure the equitable and timely completion of the Strategy.

To begin, we recommend the establishment of a federally mandated commission that will be tasked with conducting nationwide community-level consultations among Indigenous communities as the first component of a Sub-National Housing Strategy. Community-level consultations will effectively identify key progress and areas of improvement in existing policy efforts at combating the housing crisis. By positioning the individual as the unit of analysis, the bottom-up data collection approach also enforces the centrality of human rights to federal-led policy efforts through its emphasis on accountability, inclusion, participation, and non-discrimination.

Moreover, the second component consists of the creation of a Sub-National Housing Strategy report based on findings from community-level consultations, in which measurable, realistic nationwide baseline targets are produced/recommended to promote coordinated efforts from provincial and territorial partners. The evidence-based, targeted strategy will also allow the federal government to produce informed, up-to-date decisions on resource allocations in the future. Through the proactive incorporation, appreciation, and validation of community-level lived experiences, we can better align the services that we provide with the needs and concerns of the very people we aim to reach and help.

## **CONCLUSION**

In all, despite being the most ambitious plan of its kind, the National Housing Strategy has yet again placed the needs and concerns of Canada's most marginalized communities on the back burner. To enforce the right to housing as a human right, the Canadian government must move beyond empty budgetary promises and work to develop an evidence-based, people-oriented Sub-National

Housing Strategy by proactively including and consulting with community members with lived experiences to participate in decision-making processes, marginalized and non-marginalized communities alike. Under a rights-based approach to the issue of homelessness, ensuring standards of accountability, inclusion, participation, and non-discrimination is just as important as the careful manipulation of fiscal strategies (A Place to Call Home, n.d.).



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# FOREIGN POLICY

Considering Canada's previous actions against the Iranian regime and in support of Iranian human rights, construct a policy brief suggesting what you believe Canada's next steps should be.



# Proposed Canadian Response to Human Rights Violations in Iran

Marie Berube Boutin, Arlyn McAdorey-Stone, Spencer Lambert, Eamon  
Roach

## *Executive Summary*

It is imperative that Canada advances from its position of solely condemning the Islamic Republic of Iran towards providing support for those who have faced violence at the hands of the regime. Current policy approaches, while symbolically effective, do little to help those who are most vulnerable. This brief recognizes Canada's role as a leader in international humanitarianism, as having limited economic leverage over Iran, and emphasizes the importance of Iranians' inalienable right to determine their future. This brief encourages the federal government to seize and liquidate Iranian assets held in Canada under the *Magnitsky Law*, and to use this funding to support initiatives which directly aid Iranians in their struggle against an oppressive regime.

## *Introduction*

Since the 1979 Islamic Revolution, the Islamic Republic of Iran has undermined the rights of women and dissidents to the regime. Canada has endured a tumultuous relationship with the Republic since its inception, with animosity peaking during the 1979 hostage crisis,<sup>1</sup> the 2012 cessation of diplomatic ties, and the 2020 downing of Flight PS752 which resulted in the deaths of 55 Canadian citizens.<sup>2</sup> Current Canadian sanctions on the Islamic Revolutionary Guard Corps (IRGC) include travel bans and freezing the assets of IRGC-affiliated Iranian nationals in Canada under the *Justice for Victims of Corrupt Foreign Officials Act*,<sup>3</sup> designating sections of the IRGC as terrorist organizations under the *Immigration Act*, and prohibiting any goods and services transactions between any Canadian citizen and persons listed in Schedule 1 of the Special

<sup>1</sup> John Skow, "The Long Ordeal of the Hostages," *TIME Magazine*, January 1981.

<sup>2</sup> Government of Canada, "Canada's Response to Ukraine International Airlines Flight PS752 Tragedy," (Ottawa, 2021), last updated January, 2023.

<sup>3</sup> Also referred to as the *Sergei Magnitsky Law* or *Magnitsky Law*

Economic Measures Act(SEMA).<sup>4</sup> In response to the repression of citizen protests sparked by the death of Mahsa Amini at the hands of the Morality Police, the IRGC deliberately limited public internet access and arbitrarily detained thousands of protestors without due process.<sup>5</sup>The chosen policy aims to assist those who have faced injustices at the hands of the regime in accessing retributive and restorative justice via the seizure and redistribution of Iranian assets.

### *Approach and Results*

It is critical that policy is informed by an analysis of Canada's global political and economic position, especially in relation to Iran. Firstly, the research methodology interrogates Canada's willingness to affect change, as an actor with a historical commitment to international humanitarianism<sup>6</sup>and a salient connection to Iranian human rights violations through the lack of redress for the PS752 tragedy.<sup>7</sup> Secondly, our research recognizes Canada's limited capacity to affect foreign policy change through economic means, as a relatively minor trading partner with Iran. Lastly, the *telos* of the policy is to assist victims of the regime in accessing aid and justice on their own terms, and to avoid any pejorative forms of intervention which restrict the a genial capacity of Iranian citizens. Ottawa's contemporary sanction policies are situated in two tracts: political and economic restrictions. While these are effective in symbolically condemning the Islamic regime, the primacy given to punitive measures crowds out the aid-based approach that this policy seeks to highlight. While there are calls to bolster the dual-tract sanction policy through increasing economic sanctions on Iran and designating the IRGC in its entirety as a terrorist group under Canada's *Listed Terrorist Entities*, neither would be productive. The former fails to engage with the reality that the Canadian intelligence apparatus is currently task-saturated due to its ongoing operations in Ukraine.<sup>8</sup>Canada suffers from a lackof credibility in historical sanctions enforcement; the inability of the CRA to undertake more audits or that of CSIS to

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<sup>4</sup> Government of Canada, "Special Economic Measures(Iran) Regulations" (SOR/2010-165, Ottawa, 2010), last amended February, 2023.

<sup>5</sup> Government of Canada, "Canadian Sanctions Related to Iran" (Ottawa, 2010), last updated February 2023.

<sup>6</sup> Government of Canada, "Canadian Humanitarian AssistanceFund" (Ottawa, 2014), last updated March 2023.

<sup>7</sup> Richard Raycraft, "Getting compensation for FlightPS752 victims will be difficult, lawyer says," CBC, January 2022.

conduct greater enhanced screening would lead to less thorough sanctions compliance and a further degradation of Canada's international sanctions credibility.<sup>9</sup>The latter policy is ineffective, similarly, due to the overburdening of CSIS, but also because it would introduce more friction in the process of financial transfers between Iranian nationals in Canada and Iran.

The chosen policy of Iranian asset seizure and redistribution relies on the precedent set by the seizure and forfeiture of assets belonging to Russian oligarch Roman Abramovich under sections 4(1)(b) and 4.2(1) of the *Sergei Magnitsky Law*, which justifies seizure in such a case that the redistributed assets serve to benefit those harmed by the foreign national outlined in Schedule 1.<sup>10</sup> Unlike the Abramovich case, Canada will need to use an intermediary method in order to redistribute the assets towards supporting the Iranian protesters, as the regime strictly monitors citizen financial transactions.

### ***Recommendation***

This brief proposes that the liquidation of IRGC associated assets should be used to fund three initiatives: Médecins Sans Frontières (MSF) in Iran, domestic Iranian refugee services, and financial remediation for the families of PS752 victims. An Ontario court ruled in May 2021 that the families of Canadians killed in the downing of PS752 are entitled to compensation from Iran.<sup>11</sup>As such, Canada has an obligation to distribute a portion of any seized assets to these families. Further, MSF is a viable channel to get funding into Iran; the non-partisan organization provides medical support vital to the survival of the movement. It specifically ensures women are getting the care they need, given reports that Iranian police are patrolling hospitals and detaining those seeking treatment for protest-related injuries.<sup>12</sup> MSF offers an alternative to get care and will improve the capacity of the movement.

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8 Government of Canada, "Sanctions - Russian Invasion of Ukraine" (Ottawa, 2014), last updated March 2023.

9 Andrea Charron and Paul Aseltine, "Calling a Spade a Spade: Canada's Use of Sanctions," Canadian Global Affairs Institute, December 2016.

10 Government of Canada, "Justice for the Victims of Corrupt Foreign Officials Act (Sergei Magnitsky Law)," (Justice Laws Website, Ottawa, 2017), last updated March 2023.

11 *Zarei v Iran*, 2021 ONSC 3377, CV-20-635078, May 2021.

As the Iranian regime continues to target those involved in the protests, increasing numbers of Iranians have been forced to seek asylum under the threat of violence. Canada began accepting emergency Iranian refugee applications in March of this year, and an increase in staffing funded by the liquidation of Iranian assets could further support this nascent program, in turn potentially allowing hundreds of refugees safe passage to Canada.

### *Implications*

While Canada may appear insulated against Iranian retaliation, any policy actions taken must consider the potential multilateral impacts, both foreseen and unforeseen. As a member of OPEC, a destabilization of Iran would have definite consequences for the global oil market. Furthermore, given historical regional instability and Russia's support for the IRGC, an outbreak of violence poses a risk to not only Iranian citizens but also Canadian security and economic interests. For this reason, our recommendation is to redistribute funds to non-combatant aid groups, which would aid protestors but be unlikely to increase the threat of an armed conflict.

### *Conclusion*

Since the death of Mahsa Amini in September of last year, Canada has acted swiftly to both condemn the IRGC and enact policies in efforts to apply pressure on the theocratic regime. This policy recommendation demarcates a turn in Canada-Iranian foreign relations shifting from a punitive approach to one of restorative justice and support for the women's movement.

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<sup>12</sup> Roxana Saberi, "Iranian protesters shot by police so afraid to go to hospitals they're asking U.S. doctors for help online," CBS News, October 2022.

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# ENVIRONMENT

Should Canada grant legal rights to its natural features? If so, via what route, and to what extent? Who will represent natural features in court? How will the federal government involve the provinces in the decision-making process? How should Indigenous peoples be involved?



# A NEW FRAMEWORK FOR ENVIRONMENTAL PROTECTION: LEGAL PERSONHOOD FOR NATURAL ENTITIES

Larry Krimus, Luke JoonHwa Lee, Jakub Riha

## Executive Summary

Legal personhood for natural entities has emerged as a new approach to environmental protection worldwide. This policy brief draws lessons from global initiatives and recommends a framework to grant Canadian natural features legal personhood. This involves creating a regulatory body to determine specific rights for natural entities, with federal, provincial, and indigenous input, and appointing legal guardians to represent them in court. The success of this framework depends on comprehensive legislative writing, inter-jurisdictional cooperation, and equitable appointment of legal representatives. This approach can help Canada shift paradigms in the way policymakers engage with conservation and environmental protection, address institutional action's shortcomings, and increase community involvement in environmental protection.

## Introduction

In 2021, the Muteshekau-shipu River in Quebec joined a growing list of natural entities with legal personhood across the world and gained “the right to flow, to maintain its biodiversity and the right to take legal action” (Lowrie, 2021). The implementation of this legal framework reflects the need for a paradigm shift in the way policymakers engage with conservation and environmental protection. Current Canadian initiatives, such as the Canadian Environmental Protection Act, suffer from the government’s failure to enforce its own laws (de Leon, 2021; Ecojustice, 2011). Part of the issue lies in the fact that the management of lands, natural resources, and local or private nature generally falls under provincial jurisdiction (Government of Canada, 2017), which limits federal efforts. The provincial and territorial governments’ “abysmal job” (Nixon et al., 2012, p. 23) also highlights significant information disparities between different jurisdictions and

non-governmental stakeholders (Ecojustice, 2011). Granting legal personhood to natural entities bypasses this reliance on institutional action and increases community involvement by redistributing responsibility to Indigenous communities and local actors. However, in initiating such legal reform, policymakers must address legal conflicts, including the possibility for natural entities to be held liable, as well as the equitable appointment of representatives for nature.

### **Approach & Results**

In Canada, legal personhood for natural entities is a recent development in the Côte-Nord of Quebec. This policy brief draws lessons from similar initiatives with varying success across the world. In 2019, the city of Toledo, Ohio granted legal personhood to Lake Erie and guaranteed its “right to exist, flourish, and naturally evolve” (*The Lake Erie Bill of Rights*, 2019). However, a U.S. District Judge declared the municipal charter amendment unconstitutional (Pallotta, 2020). The bill did not clearly outline what “a clean and healthy environment” (*The Lake Erie Bill of Rights*, 2019) entails, nor did it specify under what circumstances citizens can sue on behalf of the lake. The amendment also “overreached its municipal authority” (Pallotta, 2020), as Lake Erie borders several other cities across four American states and the Canadian province of Ontario.

The failure of the Lake Erie case highlights the need for detailed and comprehensive legislative writing, as well as inter-jurisdictional cooperation.

Legal personhood for natural entities saw more success with the Whanganui River in Aotearoa<sup>1</sup> and the Atrato River in Colombia due to the development of a “new governance framework focused on the distribution of human authority and responsibility” (Buocz & Eisenberger, 2022, p. 4). Granting legal personhood recognizes the inherent value of natural entities and acknowledges Indigenous knowledge and belief systems. Both models outline the functions of its

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<sup>1</sup> Māori name for New Zealand

representatives and address ineffective reliance on institutional action by assigning local communities and sub-jurisdictions “the power to choose their representatives” (Jolly & Menon, 2021, p. 485). The Colombian model also includes “future action plans for the welfare of the river” (Jolly & Menon, 2021, p. 485), highlighting the conservationist roots of this legal reform. The success of these equitable and multi-jurisdictional approaches is highly relevant to the Canadian context, as the success of environmental laws relies on the involvement of three governments: federal, provincial, and Indigenous governance.

### **Implications & Recommendations**

Based on these findings, Canada faces three main issues when granting natural features legal personhood: the difficulty of differentiating which personhood rights apply to natural features, conflicts between relevant stakeholders, and how the interests of natural features will be represented in advocacy and in court. To ensure success in granting natural features legal personhood in Canada, the policy requires the following framework:

First, the federal government would form a regulatory body to create a set of regulations and rights specific to a group of natural features. Rivers granted personhood would receive a fundamental set of legal rights. As the first natural entity with legal rights, the Muteshekau-shipu River sets a precedent with its nine rights granted by its personhood status (Berge, 2022); these same nine rights would apply to all other rivers granted such status. Similarly, every other natural feature to be given personhood would have its own set of relevant rights. For example, all lakes given personhood would be protected by lake-specific regulations and rights. The extent of legal rights granted should be determined through a consultative process involving federal, provincial, and indigenous governments, environmental groups, and legal experts. The legal rights granted should be sufficient to protect the natural feature while ensuring that it does not unduly impact other stakeholders, such as corporations and local communities.

Next, the new federal agency would consult with local indigenous communities and provincial governments to decide which natural features in its jurisdiction require legal rights. This involvement should be based on the principles of free, prior, and informed consent. A legal guardian would be appointed to represent natural features in court, similar to how a guardian represents a minor. The guardian, who would ensure that the natural features' rights are upheld and protected, should be appointed through a consultative process involving the newly formed federal agency, the provincial government, and, where applicable, the indigenous community. This approach can help Canada move towards a more sustainable and equitable future.

Local stakeholders and provincial governments are consulted with federal oversight, thus involving relevant authorities' inputs. However, implementing this legal personhood framework would require significant financial and human resources. In addition, the legal representation of natural features would require highly specialized and experienced lawyers, which may be challenging to find and take time to develop. The involvement of many stakeholder groups may also slow down the decision-making process, though this cost is necessary to ensure that the framework is developed in a more culturally appropriate and sustainable manner.

## **Conclusion**

Legal personhood for natural entities can offer a transformative framework for environmental protection in Canada. By granting legal rights to natural features, policymakers can circumvent institutional action's shortcomings, involve local communities and Indigenous governance, and redistribute responsibility. However, the success of this approach depends on comprehensive legislative writing, inter-jurisdictional cooperation, and equitable appointment of representatives for nature. Thus, adopting the recommended framework can shift Canada towards a new standard of conservation and environmental protection.

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# ECONOMY

Canada's mass subset of baby boomers are retiring. How can the federal government promote resilience within Canada's labour market amidst these demographic changes? What strategies and policies can allow the economy to retain stability within the economy?



*Facing Up to the Aging Population: the Express Entry Improvement Project*  
*Aliza Sabih, Jarad Khan, Amy Zhang*

## **Executive Summary**

An unprecedented amount of the current labour force, over 21%, is made up of individuals aged 55 to 65 (StatCan, 2022). As the “Baby Boomer” cohort reaches the age of retirement, Canada’s labour market is staring down the barrel of a pressing labour shortage. Utilizing immigration as a revitalizing countermeasure has been a viable strategy, especially as attracting experienced labourers relieves immediate strain on industries. Endeavours prioritizing skilled labourers for residency, such as the “Express Entry” system (EES), have been employed to some success. However, plagued with inefficient point allocation and low credibility, these efforts fall short of meeting the market’s demands. This brief proposes mechanisms by which the framework can be improved to robustly engage with the ongoing crisis.

## **Introduction**

In recent years, Canadian federal immigration policy has shifted towards a demand-based model, reflecting the need to meet growing labour shortages (Zhang, Banerjee, Amarshi, 2023). Chief among them, EES expedites the residency process for skilled labourers, encouraging more applicants in high demand fields (Government of Canada, 2016). While sound in principle, the program’s structural flaws render it ineffective in achieving its desired ends. For instance, private and provincial stakeholders lack a voice in guiding the scope and direction of the project, negatively affecting the efficacy and perceived legitimacy of the program. Similarly, the breadth of the current system fails to efficiently allocate experienced labourers, often struggling to ensure fair dispersal of applicants, geographically and sectorally (McDaniel, Wong, Watt, 2015). By engaging more critically with a diverse range of invested parties, the federal government will be better equipped to efficiently combat growing shortages. Turning now to the efforts to improve

existing policies, it is vital to take these challenges and areas of improvement in mind.

### **Approach + Results**

Post-pandemic, the economy has been operating above the maximum sustainable level, where the supply of workers is insufficient to keep up with demand, placing upward pressure on pricing and pushing demand above the target (Macklem, 2022). A combination of rising job vacancies and low unemployment further indicate the imbalance of the market, as demand far exceeds supply, leading to an overheated economy. To grapple with this asymmetry, hiring has increased from immigrant populations, reducing unemployment gaps with Canadian-born workers. However, due to COVID-19, immigration has gone down; coupled with increasing retirement, there has been a significant reduction of labour force growth. As the economy transitions out of the pandemic, immigration again presents itself as the solution to revitalize Canada's growth as retirement increases, as it is predicted that immigration targets will account for two-thirds of the expected growth in Canada's potential output (Macklem, 2022). An influx of workers brings a corresponding influx of incomes, increasing spending and stimulating the market as well (Macklem, 2022). Hence, by proposing mechanisms to increase labour immigration, our policy proposal will help ensure the resilience of the Canadian economy going forward.

### **Implications + Recommendations**

The Express Entry Improvement Project (EEIP) aims to improve parts of the existing EES, through three key proposals. First, most substantially, EEIP seeks to increase the employability of immigrants who enter through EES. In the private sector, in addition to a general lack of awareness of the program's existence, employers often express skepticism regarding foreign accreditation, even despite government efforts to establish equivalencies through the Educational Credential

Assessment (ECA) system, demonstrating a lack of perceived credibility in the program (Zhang, Banerjee, Amarshi, 2023). Promoting visibility of ECAs, as well as increasing perceived legitimacy by offering transitional education and increasing transparency regarding the transfer process, will lead to an increase in hireability. Second, EEIP aims to increase the scope of educational opportunities available to workers. For instance, firms indicate hesitancy to onboard foreign-trained workers due to a lack of culturally-specific experience and education (Zhang, Banerjee, Amarshi, 2023). By offering a “Canadian Culture” course, for instance, EEIP allows immigrants to bypass this roadblock. Third, offering benefits, such as tax incentives or subsidies, to companies that have reached a certain quota of EES hires will promote engagement with the program. These benefits also provide an avenue to apply other requirements, such as anti-racism workshops to decrease the stigma on hiring immigrants. Furthermore, EEIP aims not only to aid candidates, but to structurally alter the job market, mending the discrepancy in the demand and supply of workers within different industries. Currently, EES relies on a points system matrix, which rewards more eligible potential immigrants (Government of Canada, 2016). By altering the current system and including criterion that considers the shifting needs of the economy, such as awarding points for a job offer in a high demand field, EES can structurally encourage applicants skilled in trades, or holding diplomas for in-demand positions. This system can also improve geographic distribution. Currently, landed immigrants tend to arrive through major port cities and economic hubs, and proceed to settle there in order to find employment (Bures, Klvanova, Stojanov, 2020). By allocating points to those willing to relocate, incentive is created to fill job gaps in rural areas, improving both population distribution throughout the country and job security.

The benefits of EEIP are widespread and long-lasting, and allows the Canadian economy to mitigate the impact of the aging population and oncoming retirement wave; further, EEIP encourages the maintenance of an educated

workforce by attracting educated individuals, and providing educational opportunities to those who are not. Additionally, as it works within the framework of an existing system, this program avoids the cost and growing pains of implementing an entirely new system. Certainly, there are potential drawbacks. First, as with the current EES, there is concern about the distribution of power, as it allocates too much authority to the federal, rather than the provincial, government, calling into question the respect for each individual province's needs (Bures, Klvanova, Stojanov 2020). Further, there exists persistent and systemic discrimination against certain groups of applicants, which might hinder the efficacy of the program. However, by engaging with provincial interests carefully to design the program, and incentivizing sensitivity training, respectively, these drawbacks can be mitigated. EEIP is a necessary initiative to boost the hiring of immigrants to fill the job gap left by Baby Boomers; subsequently, it is vital in aiding Canada in creating a resilient labour market.

## Conclusion

In the coming years, the Baby Boomer population, representing more than 20% of the workforce, will retire. This reflects an incredible crisis, as disequilibrium between demand and supply of experienced workers will leave industries floundering, and continue to drive up inflation. Immigration is key to revitalizing the market, but current policies, like EES, are poorly-equipped to drive sufficient growth. The EEIP, which proposes mechanisms to increase its efficacy, will revolutionize the existing policy to meet growing demand. As Canada's aging population begins to retire, there is an immediate need to replace their labour and experience, an endeavour which current policies are ill-prepared to do. The EEIP program is, then, not only an important policy to pursue; it is one of unparalleled vitality.

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