



Food and Agriculture
Organization of the
United Nations

FAO LEGAL PAPER 112

ISSN 2664-5777

Enhancing the livelihoods of family farmers with the law

Enhancing the livelihoods of family farmers with the law

Simon Blondeau

Food and Agriculture Organization of the United Nations
Rome, 2023

Required citation:

Blondeau, S. 2023. *Enhancing the livelihoods of family farmers with the law*. FAO Legal Papers, No. 112. Rome, FAO. <https://doi.org/10.4060/cc7076en>

The designations employed and the presentation of material in this information product do not imply the expression of any opinion whatsoever on the part of the Food and Agriculture Organization of the United Nations (FAO) concerning the legal or development status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries. The mention of specific companies or products of manufacturers, whether or not these have been patented, does not imply that these have been endorsed or recommended by FAO in preference to others of a similar nature that are not mentioned.

The views expressed in this information product are those of the author(s) and do not necessarily reflect the views or policies of FAO.

ISSN 2664-5777 [Print]
ISSN 2413-807X [Online]

ISBN 978-92-5-138009-3
© FAO, 2023



Some rights reserved. This work is made available under the Creative Commons Attribution-NonCommercial-ShareAlike 3.0 IGO licence (CC BY-NC-SA 3.0 IGO; <https://creativecommons.org/licenses/by-nc-sa/3.0/igo/legalcode>).

Under the terms of this licence, this work may be copied, redistributed and adapted for non-commercial purposes, provided that the work is appropriately cited. In any use of this work, there should be no suggestion that FAO endorses any specific organization, products or services. The use of the FAO logo is not permitted. If the work is adapted, then it must be licensed under the same or equivalent Creative Commons licence. If a translation of this work is created, it must include the following disclaimer along with the required citation: "This translation was not created by the Food and Agriculture Organization of the United Nations (FAO). FAO is not responsible for the content or accuracy of this translation. The original [Language] edition shall be the authoritative edition."

Disputes arising under the licence that cannot be settled amicably will be resolved by mediation and arbitration as described in Article 8 of the licence except as otherwise provided herein. The applicable mediation rules will be the mediation rules of the World Intellectual Property Organization <http://www.wipo.int/amc/en/mediation/rules> and any arbitration will be conducted in accordance with the Arbitration Rules of the United Nations Commission on International Trade Law (UNCITRAL).

Third-party materials. Users wishing to reuse material from this work that is attributed to a third party, such as tables, figures or images, are responsible for determining whether permission is needed for that reuse and for obtaining permission from the copyright holder. The risk of claims resulting from infringement of any third-party-owned component in the work rests solely with the user.

Sales, rights and licensing. FAO information products are available on the FAO website (www.fao.org/publications) and can be purchased through publications-sales@fao.org. Requests for commercial use should be submitted via: www.fao.org/contact-us/licence-request. Queries regarding rights and licensing should be submitted to: copyright@fao.org.

Cover Photo: © Benedicte Kurzen/NOOR for FAO

Contents

<i>Foreword</i>	v
<i>Methodology</i>	vii
<i>Acknowledgements</i>	viii
<i>Acronyms and abbreviations</i>	ix
1. Introduction	1
2. Legal grounding of family farming	3
2.1. Supranational instruments	3
2.2. National legislation	4
3. Defining family farming in legislation	7
3.1. Type of administration	7
3.2. Labour force	8
3.3. Assets	9
3.4. Other characteristics	9
3.5. Specific features	10
4. Targeted multisectoral legislative interventions	13
4.1. Comprehensive approach	13
4.2. Integrated policy objectives and results	14
4.3. Traditional and customary practices	15
4.4. Pressing issues	16
5. Summary and recommendations	19
<i>References</i>	21

Foreword

Poverty, hunger, and malnutrition are all on the rise, with recent estimates showing that over 2.3 billion people lacked year-round access to adequate food in 2021 and more than 3 billion could not afford healthy diets. With the lasting effects of the global COVID-19 pandemic combined with correlated crises that have direct and indirect impacts on the ability of everyone to feed themselves with dignity, world food security has continued on a downward trend. Forecasts see Target 2.1 of Sustainable Development Goal (SDG) 2 being missed by a margin of nearly 670 million people, or 8 percent of the world's population, levels similar to when the *2030 Agenda for Sustainable Development* was launched in 2015.¹

Family farming, which contributes to the production of over three quarters of the world's food in value terms and employs around one third of the world's population, represents a key vector to address some of the main hurdles in redressing the dire situation and achieving the SDGs. Particularly so, when we consider family farming's important contribution to more inclusive, sustainable, resilient, and efficient agrifood systems and their role within communities as custodians of biodiversity, landscapes and cultural heritage.² Yet, family farms are often comprised of those facing the highest levels of economic, financial, social, and environmental risks.

In order to support the complexities and multidimensionality of family farming, policies and regulations guided by coherent national legislative measures are crucial to effectively address the situation. To this end, recent publications by the Food and Agriculture Organization of the United Nations (FAO), namely the Legal Paper *Legislative and Regulatory Frameworks for Family Farming* and the Legal Brief *Family Farming*, discuss how legislation plays a vital role; with evidence-based and well-drafted, implemented, enforced and monitored laws offering an effective and prompt way to address pressing issues throughout agrifood systems in support of family farming and family farmers' livelihoods.³ As explicitly prescribed by the *Global Action Plan (GAP) of the United Nations Decade of Family Farming 2019-2028* (UNDF), it is fundamental to strengthen, in a coherent manner, legislative and institutional frameworks across all the relevant policy areas of family farming.⁴ To do so, defining family farming in legislation is vital. This will be the anchor point for legislative and policy measures that are tailored to family farmers' needs and that can foster an enabling policy environment to strengthen family farming and unleash the potential to promote transformative changes in how food is grown, produced, processed and distributed.

Guided by the GAP, this legal paper primarily aims to support decision-makers and practitioners in developing legislative measures to enhance the livelihoods of family farmers and reinforce their contributions to the transition towards context-specific, diversified, resilient and sustainable agrifood systems. This paper places significant attention on the importance of defining family farming within legislation and highlights some of the most common features explored across 22 concrete and detailed cases – from 21 countries and 1 region – representing a wide geographical, socio-economic and cultural variety. While each specific context provides for a tailored definition of family farming, some being broader and others narrower in their inclusion and enumeration, recurring elements were found in the multiple definitions and hinted at certain commonalities across regions and languages.

¹ FAO, IFAD, UNICEF, WFP & WHO. 2022. *The State of Food Security and Nutrition in the World 2022. Repurposing food and agricultural policies to make healthy diets more affordable*. Rome, FAO. <https://doi.org/10.4060/cc0639en>

² Blondeau, S. & Korzenszky, A. 2022. *Family farming*. Legal Brief 8. Rome, FAO. <https://doi.org/10.4060/cb8227en>

³ Vapnek, J. & Boaz, P. 2021. *Legislative and regulatory frameworks for family farming*. FAO legal papers, no. 108. Rome, FAO. <https://doi.org/10.4060/cb6922en>; Blondeau, S. & Korzenszky, A. 2022. *Family farming*. Legal Brief 8. Rome, FAO. <https://doi.org/10.4060/cb8227en>

⁴ FAO & IFAD. 2019. *United Nations Decade of Family Farming 2019-2028 – Global Action Plan*. Rome. www.fao.org/3/ca4672en/CA4672EN.pdf

This legal paper is the product of a collaborative effort between the Development Law Service of the FAO Legal Office and the FAO Partnerships and United Nations Collaboration Division. It aims to support the implementation of the UNDFP by enhancing the design, implementation and enforcement of inclusive, conducive and well-targeted legislation for family farming. This support also contributes to FAO's Strategic Framework 2022-2031 through its core functions, providing normative and policy guidance to countries and other partners for more efficient, inclusive, resilient and sustainable agrifood systems, for better production, better nutrition, a better environment, and a better life – leaving no one behind.



Marcela Villarreal, Ph.D.
Director
Partnerships and UN Collaboration Division
FAO



Blaise Kuemlangan
Chief
Development Law Service of the Legal Office
FAO

Methodology

The overarching basis for the legal research and analysis undertaken for this paper resides in the comprehensive framework established under the *United Nations Decade of Family Farming 2019-2028 (UNDF)*. Foremost, its *Global Action Plan (GAP)*, which represents the strategic backbone of policy and legislative actions that ought to be carried out under the Decade in order to promote family farming (FAO and IFAD, 2019).⁵ In light of the broad literature that has been produced a few years into the Decade, coupled with the vast literature produced before the start of the Decade, a number of areas of interest have been identified as requiring further attention to better understand and possibly seize their role as catalysts to multisectoral efforts being undertaken.

In addition to relevant policy and legal documents found in the above-mentioned sources, FAOLEX has provided the anchorage for the legal research into pieces of legislation coming from a variety of countries covering all corners of the globe (FAO, 2023). In addition to FAOLEX, further analyses were undertaken in the scope of a broad regional mapping exercise of family farming laws and policies. This mapping exercise was undertaken by FAO in collaboration with regional research institutions, Mediterranean Universities Union (UNIMED) and Food, Agriculture and Natural Resources Policy Analysis Network (FANRPAN), following a unified methodology of data collection and systematization, providing valuable insights into complementary and sometimes additional legal texts.

With the wealth of information provided in the aforementioned sources, an analytical frame was developed to primarily seek information on the following three questions: 1) How does a legal definition of family farming support legislative interventions to enhance the livelihoods of family farmers?; 2) How can specific legislative measures be developed in support of family farming?; and 3) What are key features found in legislation when defining family farming? In elaborating the paper, great care was taken to ensure a geographical representation of different socio-economic and cultural realities. Consequently, the paper comprises 22 concrete and detailed examples – 21 countries and 1 regional institution spanning across the globe.

Lastly, it is noteworthy that the analysis undertaken is applicable to the legislative and regulatory text, and not the subsequent implementation, compliance with and enforcement of their provisions. As such, while a few mentions of relevant concepts and approaches to favour different phases of legislative processes can be found herein, the analysis concentrates on the specific content of the national texts.

⁵ The present paper uses the FAO definition and considers “family farming” to mean all types of family-based production models in agriculture, fisheries, forestry, pastoralism and aquaculture. Family farmers include mountain farmers, artisanal fisherfolk, pastoralists and forest dwellers, while family farms may include members of multiple generations managing and working on the farm.

Acknowledgements

This legal paper was developed by the Food and Agriculture Organization of the United Nations (FAO) as a collaborative effort between the Partnerships and UN Collaborative Division, headed by Marcela Villarreal, and the Development Law Service of the Legal Office, led by Blaise Kuemlangan.

The paper was authored by Simon Blondeau with the active support from Anna Korzenszky and Victor Quezada Navarro, under the overall supervision of Guilherme Brady.

The paper also includes insights from numerous colleagues through peer-review contributions for which the author would like to extend his gratitude to Nargis Bozorova, Edoardo Calza Bini, Raúl Contreras, Francesca Dalla Valle, Carolina Flores Barros, Marie-Lara Hubert Chartier, Serena Pepino and Margret Vidar.

The paper has benefited from the mapping and systematization of legal and policy frameworks relevant to family farming undertaken by Daniel Ruiz de Garibay and researchers of the Mediterranean Universities Union (UNIMED) and of the Food, Agriculture and Natural Resources Policy Analysis Network (FANRPAN).

The paper was edited by Anastasia Clafferty and the graphic design was undertaken by Jessica Marasovic.

Abbreviations

FANRPAN	Food, Agriculture and Natural Resources Policy Analysis Network
FAO	Food and Agriculture Organization of the United Nations
GAP	Global Action Plan (of the UNDF)
OECD	Organisation for Economic Co-operation and Development
PARLATINO	Latin American and Caribbean Parliament
SDG	Sustainable Development Goal
SSF	small-scale fisheries
UNDF	United Nations Decade of Family Farming 2019-2028
UNGA	United Nations General Assembly
UNIMED	Mediterranean Universities Union
VGGT	Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security

1. Introduction

As the world struggles with the COVID-19 pandemic, coupled with a number of other crises that directly and indirectly impact the ability of people to feed themselves in dignity, inequalities are exacerbated and the number of people going hungry does not let up. Recent estimates show that over 2.3 billion people were lacking year-round access to adequate food in 2021 and almost 3.1 billion adults and children did not have access to healthy diets in 2020 largely due to excessive costs. Additionally, Sustainable Development Goal (SDG) 2 is forecasted to be missed by a margin of nearly 670 million people, or 8 percent of the world population, which is the same as in 2015 when the *2030 Agenda for Sustainable Development* was launched (FAO *et al.*, 2022).

Often comprising those facing the highest levels of economic, financial, social and environmental risks, family farming contributes to the production of over three quarters of the world's food in value terms, representing a key vector to address some of the main hurdles in redressing the dire situation and achieve the SDGs. All the more so, when we think of family farming's contribution to more inclusive, sustainable, resilient and efficient agrifood systems coming from the role of family farmers in communities and as custodians of biodiversity, landscapes and cultural heritage (Blondeau and Korzenszky, 2022).

"Double the agricultural productivity and incomes of small-scale food producers, in particular women, indigenous peoples, family farmers, pastoralists and fishers, including through secure and equal access to land, other productive resources and inputs, knowledge, financial services, markets and opportunities for value addition and non-farm employment".

Target 2.3 of the SDGs

With the UNFFF striving to shed new light on what it means to be a family farmer in a rapidly changing world and to highlight more than ever before the important role they play in ensuring food security, improving livelihoods, better managing natural resources, protecting the environment and achieving sustainable development, efforts have been "actively pursued by many relevant actors around the world, with a particular focus on strengthening legal frameworks and policymaking in support of family farming"(UNGA, 2021, p.18). The significance of sound legal frameworks to support family farming is widely recognized as a critical component to reach the objectives stated in the GAP, given the importance of strengthening in a coherent manner, legislative and institutional frameworks across all the relevant policy areas of family farming.

Mindful of the complex and multifaceted factors that impact legislative processes, legislating to support family farming calls for interrelated matters to be treated hand-in-hand given its multidimensional nature, which means addressing socio-economic and poverty-related questions alongside biodiversity considerations and energy-related concerns, among others. As evidenced by the GAP and presented within the FAO Legal Paper *Legislative and Regulatory Frameworks for Family Farming* and the FAO Legal Brief *Family Farming*, sectoral legislation that impact family farming are wide-ranging and diverse, covering issues ranging from the governance of tenure to public procurement, from cooperatives to extension services, and from trade to direct assistance, to name a few (FAO and IFAD, 2019; Vapnek and Boaz, 2021; Blondeau and Korzenszky, 2022).

The intrinsic multidimensionality of family farming, with its complexities and sometimes competing interests, requires a considerable level of coordination to ensure that diverse legislative efforts are mutually conducive to supporting family farming and inclusive of its diverse groups. In order to coherently legislate and for the law to be evidence-based to most effectively support political and programmatic efforts for family farming, a clear legal definition of family farming at national level plays a vital role, as it then becomes the anchoring point for a wide range of measures that can be best tailored to the needs of, and issues most pressing, for family farmers.

Against this setting, this legal paper primarily analyses cases of legislative measures for family farming through clear and tailored definitions while presenting examples, commonalities and differences on legislative practices in different parts of the globe and on a variety of intrinsic matters for family farmers' livelihoods. After setting the legal background on which legislative interventions for family farming are mostly based, the paper delves into specific features of definitions through a variety of examples from diverse regions and contexts. Finally, the paper examines the closely-linked nature of legislative and policy processes, which are presented through assorted examples of multisectoral legislative measures undertaken to enhance family farmers' livelihoods.

2. Legal grounding of family farming

In achieving a coherent set of measures for family farming, legislation plays a vital role on a number of fronts. Evidence-based, well-drafted, implemented, enforced, and monitored laws offer an effective and prompt way to address pressing issues across agrifood systems and for each individual sector that could be conducive to family farming, given its multifaceted nature. A well-defined legal framework not only brings clarity and predictability in fostering an enabling environment of transparent and accountable governance mechanisms and institutions, but it can effectively anchor and favour the sustainability of policy processes for family farming by clarifying rights, obligations and responsibilities. In addition, it provides a direct way to translate regional and global commitments and recommendations into national objectives and targets, edging closer to their effective implementation in support of family farmers' livelihoods (Blondeau and Korzenszky, 2022).

2.1. Supranational instruments

Whether legally binding or voluntary, supranational instruments promote and contribute to coherent national legislative and policy measures to address family farmers' needs.

On this last point, recent decades have seen a number of legally and non-legally binding global and regional instruments relevant for family farming enter into force. From a legal standpoint, once a state ratifies or adheres to a legally binding instrument, it agrees to be bound by its provisions and strives to guarantee them within its jurisdiction. As for non-legally binding documents, such as the *United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas* (hereafter "Declaration"), they still represent the political aspirations of states. In regard to the Declaration and its relevance for this paper, not only does Article 1 include several features in its definition of family farmers, but it also details substantive and procedural rights that ought to be guaranteed and realized for family farmers through legislative interventions of states, combined with coherent policy measures and adequate institutional arrangements for their implementation and enforcement.

In addition, recent years have witnessed the endorsement of numerous states-driven global voluntary guidance instruments, such as the *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT)* and the *Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (SSF Guidelines)*. These instruments have particular relevance for family farmers and their contribution to broader agrifood systems objectives, and a number of regional bodies have taken important steps in providing guidance to their member states.

One such case is the Latin American and Caribbean Parliament (PARLATINO), which adopted its Model Law on Family Farming in 2017 to establish a reference legal framework for its Members to "define and enforce policies and strategies deemed of public interest which permanently guarantee as national priority the preservation, promotion and development of family farming, regarded as significant as a way of living and productive activity that contributes to

food security, sustainable use of natural resources, biodiversity conservation, rural development and territorial decentralization, dynamization of local economies, and the existence of local communities” (Article 1). A number of key provisions are found in the Model Law that bear particular relevance for this paper and form crucial parts of this Law on family farming for national decision-makers, including substantive rights and obligations with a particular focus on higher vulnerability individuals and communities, institutional arrangements for effective implementation and monitoring, as well as a number of spelled-out procedural rights to favour inclusive and participatory decision-making processes. With such supranational guidance, national decision-makers are better equipped to legislate proactively and coherently on family farming.

Family farming “is a way of living and farming work performed by men and women of the same family group, through productive family units. The output is for self-consumption or barter and trade. It can be a product of gathering, agriculture, forestry, fisheries, small-scale fisheries, or services, in several sectors, such as horticulture, fruticulture, forestry, beekeeping, animal production, rural industry, small-scale fisheries, aquaculture, and agritourism”.

Source: Article 5, *PARLATINO Model Law on Family Farming, 2017*.

2.2. National legislation

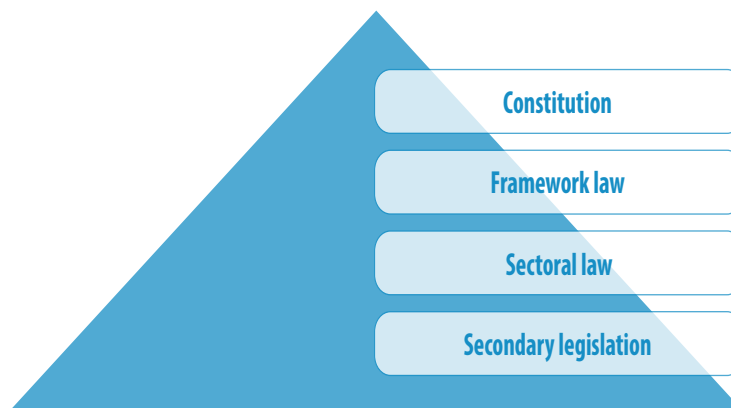
From a national legislative standpoint, there are many approaches that can be taken to use the law in support of family farming and its farmers. National legal systems may differ from one country to another, which is the case for instance between common law and civil law countries.

“The basis of the agricultural system of the state shall be the family farm”

Source: Article 23, *Constitution of the Republic of Poland, 1997*.

As a legal foundation, a state’s constitution sets out “the rights and responsibilities of groups and individuals, the obligations of the state and establishes the rules for government itself, with the checks, balances, and limitations necessary for legitimate governmental authority. Given its hierarchical placement

in the legislative order, a constitution tends to surpass changes of government and political trends, therefore favouring long-term guarantee of the provisions found therein while offering guidance for the interpretation of related laws and policies” (Vapnek and Boaz, 2021, p. 9). In a number of countries, not only are substantive rights that are closely relevant for family farming guaranteed therein, but family farming constituencies are referred to specifically as they can be part of vulnerable groups for which tailored measures are developed. For instance, within Article 17 of the *Constitution of the Arab Republic of Egypt* which details the right to social security to guarantee a decent life for all its citizens, the state shall strive “to provide suitable pensions to small farmers, agricultural workers, and fishermen and irregular labor.” Under Article 29, the state commits to a number of concrete actions to support family farming constituencies and enhance their livelihoods, among which protection from exploitation, public purchase of basic crops for a profit margin, as well as the priority allocation of reclaimed land. Furthermore, Article 42 specifies that no less than 80 percent of the board of directors of agricultural ... cooperatives should be made up of small farmers. Lastly, Articles 180 and 243 also touch on civil and political rights of farmers by indicating that “no less than 50 percent of the total number of seats” in local councils are to be held by workers and farmers.



Recent years have seen an uptake in the adoption of framework laws in support of multifaceted issues, such as family farming. A framework law offers the advantage of discussing legislative avenues for a wide array of sectoral considerations into a single piece of legislation, which can greatly contribute to coherency between subsequent and corresponding primary and secondary legislation pertinent for family farming. In general terms, a primary legislation is a formal document adopted by the legislator to regulate a sector, referred to as an “act”. A secondary legislation can be for example a regulation or a directive which fills in the details of the rights and duties set out in the corresponding primary legislation and is often issued by the executive (Vapnek and Boaz, 2021).

An example of a dedicated law to family farming can be found in Peru, where the authorities adopted *Law No. 30355 of 2015 on the Promotion and Development of Family Farming*. The Law aims to improve the livelihoods of family farmers, reduce rural poverty, and coordinate the actions of competent authorities through a multisectoral approach (Article 2). By defining family farming in Article 3, categorizing its main features in Article 4, and detailing what is intended by a productive family unit in Article 5, the Law can better target the needs of its intended recipients through the subsequent provisions. It further provides a valuable example of the intrinsic nature of legislation, policies and programmes as it aims to prioritize

“The ministry of agriculture and irrigation (...) leads actions to promote and develop family agriculture, mindful of its importance for food security and nutrition, in addition to agrobiodiversity protection, the sustainable use of natural resources, mitigation and adaptation measures to climate change and environmental services.”

Source: Article 7, *Law No. 30355, 2015*.

the access of family farmers to programmes that improve technical capacities and the use of technology as well as dedicated financing programmes and marketing advice, among many others. In addition, as just one example of the many areas that are promoted by the Law to achieve its stated objective, is the stimulation of association and cooperativism of family farmers in all its facets, which can be an important way to facilitate family farmers’ equitable access to resources and opportunities. Cooperatives can offer a broad range of services to their members, including access to information, training, innovations and technologies, and can facilitate active, free and meaningful participation in decision-making processes. Lastly, this dedicated law on family farming also foresees its financing through Articles 9 and 10.

Against this supranational background and with the aforementioned overarching national legislative avenues, ranging from constitutional recognitions in countries such as Poland and Egypt to framework legislation in countries such as Peru, it is clear that family farming has a strong anchorage in law. The inclusion of family farming within core instances of national legal frameworks allows to better develop comprehensive, coherent, and targeted policy and programmatic responses, in addition to secondary legislation, to positively impact the livelihoods of family farmers. In addition, the legal grounding further contributes to the sustainability of interventions, whereby they are less susceptible to ad hoc political fluctuations.

3. Defining family farming in legislation

Applicable to each level of the legislative avenues discussed previously, it is paramount to adequately grasp the needs, concerns and obstacles facing family farmers in the given context, in order to legislate towards effectively supporting family farming. To do so, the first overarching element that bears an important role for law-making is the inclusion of a legal definition of family farming in order to guide the legislative effort and its subsequent execution through secondary legislation and policy measures, to allow tailored interventions to this group.

A legal definition guides the legislative efforts and its subsequent execution through secondary legislation and policy measures.

As mentioned, while each context may warrant specific elements within its definition, it remains that there are common or similar characteristics found in many definitions across different regions and contexts. In addition, there are a number of features that tend to be central to most definitions, albeit worded slightly differently and with context-specific particularities. Developed in the lead up to the International Year of Family Farming in 2014, FAO's working concept of family farming provides an encompassing starting point for the UNDIFF as it stipulates that "family farming (including all family-based agricultural activities) is a means of organizing agricultural, forestry, fisheries, pastoral and aquaculture production that is managed and operated by a family, and that is predominantly reliant on the family labour of both women and men. The family and the farm are linked, co-evolve and combine economic, environmental, social and cultural functions" (FAO, 2013).

*In the abovementioned working concept, some of the most recurring features stand out, primarily the **type of administration** as well as the **labour force**. In addition to those, specificities related to **assets, income sources, production purposes**, as well as whether **the family lives on the farm**, are among the most often cited features that will be explored hereafter through varied examples.*

3.1. Type of administration

Starting with the type of administration, many definitions point to the farm being administered by the producer and his or her family, which means that decisions on management issues are taken within the family.

In Belarus, for instance, *Law No. 611-XII on Peasant (Farm) Households of 1991* stipulates in Article 1 that the family farm is a commercial organization that can be created by one citizen, and according to Article 22, the main activities of the farm should be the production of agricultural products. Article 8 of the Law defines that members of the farm are members of the same family, by which it intends spouses, their parents or adoptive parents, children including adopted children, brothers and sisters, spouses and children of these persons, as well as other persons recognized as family

members in accordance with the legislation on marriage and family. Meanwhile, Article 19 specifies the modalities for the management of the farm, which is essentially carried out through general meetings of the farm members and the head of the farm, for which details are provided in Article 21. All relevant information pertaining to the farm, among which its characteristics, administrative data as well as procedural information, are to be contained in the charter of the farm that is approved by its founders, as such members of the family, according to Article 5. The farm is officially considered as such upon state registration following the modalities set out in Article 7.

Meanwhile, in the case of Senegal, Article 18 of the *Agro-sylvo-pastoral Guidance Law of 2004* foresees that the family farm can be administered either by an individual person or by a group of people or families living in the same place and whose relations are not regulated by the Labour Code, clearly distinguishing from commercial and industrial farms detailed under Article 19. As for the farm itself, it is defined by Article 16 as a unit with productive assets used by a person undertaking agricultural work, which is understood by Article 9 to include farmers, breeders, operators, foresters, fishermen and rural craftsmen, among others, and by conferring to them a special status without distinction between men, women and youth. Furthermore, Article 16 defines what is understood as agricultural production by including activities considered as an extension, such as processing, packaging, conservation, storage and sale of products from the farm, in addition to those activities considered complementary such as crafts, rural tourism and trade in services. Article 17 recognizes that farms do not only have an economic function but a central contribution to the management of natural resources, the protection of the environment, and to the balanced and coherent development of the territory.

3.2. Labour force

In regard to labour force, definitions tend to foresee a predominance of family labour on the farm as opposed to hired labour, whether it be permanent or occasional.

In some cases, specific quotas are set, such as in *Law No. 64/2018 establishing the Statute of Family Farming* in Portugal, which stipulates that a family farm must have a family workforce, measured in Work Unit Year, that represents more than 50 percent of the total workforce on the farm (Article 3). A number of other detailed characteristics are found in the Portuguese legislation, such as Article 5 establishing the criteria for the recognition of the head of the family farm, which notably must have a taxable income lower or equal to the amount included in the 4th tax bracket, and be the holder of the family farm as owner, surface owner, lessee or through other rights. The head of the farm must meet additional specific requirements, one of which pertains to the aforementioned use of family labour in a percentage equal to or greater than 50 percent of the total labour used. What is more, by meeting the criteria set forth in the initial articles, Article 6 details the rights conferred to family farmers, among which tailored credit lines, as well as specific public procurement regimes for the provision of local agrifood goods, such as for schools and hospitals.

In some cases, no such detailed provisions are foreseen when it comes to the labour force. In Azerbaijan for example, while Article 3 of the *Law No. 926-IIQ on Family Farming* stipulates that one of its aims is to support the development of farms based on family labour in rural areas, its Article 1 points to family farming being the joint implementation of production and other economic activities in rural areas on the basis of individual labour and on property owned or leased by family members and persons working together with them. It also states that family farms consist of one person, family members, and persons working together with them on the basis of kinship

or other relations. Lastly, Article 10 mentions a number of state interventions to support family farming, such as extension and preferential financial services as well as the creation of dedicated selling places and events in city and district centres.

3.3. Assets

Also found in numerous family farming definitions are elements pertaining to assets, such as specific criteria for land size and livestock size, which are customized according to country context as well as an individual farming unit.

In Brazil, for example, *Law No. 11.326 on the National Policy for Family Farming and Rural Family Units of 2006* establishes the concepts, principles and instruments for the formulation of public policies on family farming. In Article 3, a number of detailed features are established to determine a family farmer, which, in addition to practicing activities in rural areas, stipulates that they must not hold, in any capacity, an area larger than four fiscal modules, while predominantly using family labour and managing the farm with the family. Article 3 continues with a number of other assets-related criteria in order to be a beneficiary of this Brazilian law, including those from other farming sectors. For example, other criteria are: aquaculture farmers that explore water reservoirs with a total surface of up to two hectares or occupy up to five hundred cubic meters of water when the exploration takes place in ponds; foresters who cultivate native or exotic forests and promote the sustainable management of those environments; extractivists who carry out their activity by hand in rural areas but excluding prospectors and spark collectors; and fishermen who carry out artisanal fishing activities.

In the case of Indonesia, *Law No. 7/2016 of 2016* aims to ensure the protection and empowerment of fishermen, fish raisers and salt farmers, as well as their families involved in processing and marketing (Article 5). Among the 34 definitions contained in Article 1, several touch upon specific assets-related criteria, such as by defining a small-scale fisherman as “a fisherman that catches fish to meet daily needs, either not using a fishing vessel or using a fishing vessel of not more than ten gross tons”, and a small-scale salt farmer as “a salt farmer that runs a salt business on his/her own land covering an area of not more than five hectares.” Furthermore, Article 7 delves into detailed criteria for each category, with some of the following criteria for small-scale fish raisers, whereby: a) fresh water fish farming can undertake fish hatchery within a maximum of zero point seventy five hectare and fish rearing within a maximum of two hectares; b) brackish water fish farming can undertake fish hatchery within a maximum of zero point five hectares and fish rearing within a maximum of five hectares; and c) sea water fish farming can undertake fish hatchery within a maximum of zero point five hectares and undertake fish rearing within a maximum of two hectares.

3.4. Other characteristics

Other characteristics that were found in the analysed legislation relate to income source, whether it is concentrated within the farm or otherwise diversified, and the production purpose, whether for self-consumption or geared towards markets.

In Mali, for instance, *Law No. 06-045 enacting the agricultural guidance law of 2006* establishes its overarching aim in Article 3 for a sustainable, modern and competitive agriculture that relies primarily on family farms. The Law stipulates in Article 17 an obligation for family farm members,

whether they be women or men, to work towards economic and social profitability of the family farm. Article 14 specifies that family farms consist of one or more members united by family ties or habits and customs and exploiting the factors of production in common with a view to generating resources, for which Article 18 adds that they can also hire workers and apprentices as per the provisions of the Labour Law. Among the many other provisions, Article 26 guarantees social security, while Article 24 gives precedence to youth, women and vulnerable groups through a number of tailored favourable measures.

Another example, the *Law on Family Farming of 2018* in Croatia, aims through Article 4 to achieve food security and preserve natural resources while strengthening the social, economic and ecological role of family farms. Article 5 foresees the purpose of family farms as the generation of income through independent and permanent agricultural and supplementary activities, based on the use of its own and/or hired labour and on the work, knowledge and skills of family members. Meanwhile, Article 9 indicates that any resident can independently perform agricultural economic activities for the purpose of generating income or profit by producing and selling products or providing services on the market, while Article 28 adds further details about family farm members. Furthermore, it specifies in Article 17, that among the many elements required when registering, a choice must be made between the different purposes of the farming business, which confers particular rights and obligations, i.e. whether it be for production, for production and processing, for production and services, or for all three.

Also, in some countries, distinctions between different types of family farms are clearly established within the legislation. In the case of Panama, Article 6 from *Law No. 127 of 2020* distinguishes between three types of family farmer, which is to say type one are family farmers that only produce part of their consumption, type two are family farmers that produce for their consumption and sell small surpluses to local markets and intermediaries, and type three are family farmers that produce for their consumption and are connected to markets and can sell larger quantities than type two. Article 7 of the Law clearly establishes its scope as being to create the basis for the subsequent development of tailored policies and strategies that guarantee the permanent preservation, promotion and development of family farming as a national priority, while guaranteeing the active participation of women, youth and Indigenous Peoples, among others. Among the many important features of this Law, and one that has been observed in a number of legislation around the globe, pertain to whether the family is living on the farm. Among the criteria to be considered a family farmer in Panama, it is stated in Article 5 the necessity for the farmer to either live on the farm or in its vicinity within the neighbouring community.

3.5. Specific features

While the aforementioned features were most commonly observed across regions and contexts albeit with slight context-specific nuances, there are other characteristics that were noticed when analysing the different types of legislation. By no means intending to be exhaustive, hereafter are two examples coming from two different types of legislation.

In the Plurinational State of Bolivia, *Law No. 338 of 2013*, in which Article 4 states its aim as being to achieve food sovereignty for the well-being of the population through sustainable family farming in harmony with the environment, there is strong emphasis on the holistic relationship with the environment. Article 9 describes sustainable family farming as being characterized by the relationship between the work of the family and the productive resources available in respect

of the environment. Furthermore, Article 11 emphasizes the predominance of family labour in agricultural work as well as complementary diversifying activities, and goes further in detailing the involvement and participation of each family member in the different phases of the agricultural process and the high value given to the sustainability of cultural lifestyles and the environment. In addition to clarifying and detailing several other relevant features of what it intends as family farming, as well as its intrinsic contribution to broader national and community goals, it gives overarching attention to Indigenous Peoples, as mentioned throughout and further detailed in Article 10.

In France, *Law No. 2014-1170 of 2014*, which notably brings amendments to the *Rural and Maritime Fishing Code*, confers important attention to the family and territorial dimensions of its agricultural sector. In Article 1, the French law states among its objectives to support the income, to develop the employment, and to improve the quality of the life of farmers and employees while preserving the family nature of agriculture. It also ensures to the population access to safe, healthy, diversified food of good quality and in sufficient quantity, produced under economically and socially acceptable conditions by all. Further, it places emphasis on the territorial anchorage of the production and marketing of agricultural products, favours agroecological production systems through a high level of social, environmental and health protection, and promotes the development of short circuits and the geographical proximity between producers, processors, and consumers. In addition, it strives to contribute to a generational turnover in agriculture, notably through the creation, adaptation, and transmission of farms within the family. It also supports farmers across the territories to meet the challenges of accessibility, landscape maintenance, biodiversity, and land management.

As mentioned previously, a clear and inclusive definition of family farming in legislation sets the tone for subsequent secondary legislation as well as focused policy measures to implement that legislation. In promoting the value and pivotal role of family farming in meeting today's and tomorrow's central challenges, the closely knit relationship between legislative and policy processes must be consolidated, as discussed briefly in the following section.

Varying in dimensions and facets from one country to the next, some of the common characteristics of legal definitions of family farming that were analysed include:

- ▶ **Type of administration:** Many definitions point to the farm being administered by the producer and his or her family, which means that decisions on management issues are taken within the family.

“The farm can be administered either by an individual person or by a group of people or families living in the same place and whose relations are not regulated by the Labour Code.”

(Article 18, *Agro-sylvo-pastoral Guidance Law of 2004*, Senegal)

- ▶ **Labour force:** Definitions tend to foresee a predominance of family labour on the farm as opposed to hired labour, whether it be permanent or occasional, while many definitions provide considerable flexibility for the latter.

“A family farm is a farm in which family workforce, measured in yearly work units, represents more than 50 percent of the total workforce on the farm.”

(Article 3c, *Law No. 64/2018 establishing the Statute of Family Farming*, Portugal)

- ▶ **Assets:** Elements pertaining to assets, such as specific criteria for land size and livestock size in order to be determined as a family farm, that are then customized according to country context – sometimes even variable at subnational level – as well as an individual unit, are often found in definitions.

“A family farmer and a rural family entrepreneur is one who practices activities in rural areas, simultaneously meeting the following requisites (...) does not have, in any capacity, an area of more than 4 fiscal modules.”

(Article 3.1, *Law No. 11.326 on the National Policy for Family Farming and Rural Family Units of 2006*, Brazil)

- ▶ **Other characteristics:** Income source, whether it is concentrated in the farm or otherwise diversified, and the production purpose, whether for self-consumption or geared towards markets, are among the most recurring additional characteristics encountered.

“For the purpose of this Law, three types of family farmers are recognized: Type 1: family farmers that produce only for consumption, but do not fully cover their needs and/or work as temporary employees in other productive units.

Type 2: family farmers that produce what they consume and sell small amounts of surplus to local markets or intermediaries.

Type 3: family farmers that produce what they consume, liaising with markets and selling larger amounts of surplus than Type 2.”

(Article 6, *Law No. 127 of 2020*, Panama)

A number of specific features were also analysed, such as the relationship with the environment as expressed in *Law No. 338* of Bolivia or the territorial dimension found in *Law No. 2014-1170* of France.

4. Targeted multisectoral legislative interventions

Even though various pieces of legislation define family farms differently according to specificities of each given context, it is essential for a legislation to contain a definition of family farming to guide its interpretation. Then, it becomes a central element for subsequent and corresponding regulations, policies and programmes when implementing its main provisions. Following this representative definition, areas of legislative intervention tailored to the needs of family farmers are manifold and can be transformative for agrifood systems while also enhancing their livelihoods. Without seeking to be comprehensive, this section puts forth a number of recurring but diversified areas, sectors and groups that are a part of family farming that have often been subject to tailored provisions within broader legislation or are dedicated pieces of legislation encountered during this paper's research.

As leading United Nations agencies strongly emphasized when taking stock of the world food situation in 2021, to effectively address a situation in which almost half of the world population faces food insecurity and close to 15 percent go hungry, a coherent set of policy and investment portfolios, of which legislative measures is a crucial part of, is urgently needed (FAO, IFAD, UNICEF, WFP and WHO, 2021).

4.1. Comprehensive approach

One approach to coherently legislate on many of the aforementioned areas of interventions is through broader legislative instruments. This approach was undertaken in Argentina in *Law 27.118 of 2015*, which notably aims to value family farming in all its diversity as a priority subject of public policies to promote comprehensive human development, contribute to food sovereignty and food security, and consolidate its place as a leading social subject in rural areas (Article 3). More specifically, among its many objectives found in Article 4, the Law seeks to generate favourable conditions in terms of habitat, income and quality of life for the establishment and permanence of the family and youth in rural areas; value specific attributes of each territory; eliminate the gender gap and actively support women in agriculture; preserve and value the cultural and historical heritage of family farming; and dedicate special attention to Indigenous Peoples, youth and women farmers, among many other facets that are further elaborated through targeted policy interventions. In Article 5, the Law requires family farmers to meet most of the defining criteria presented under earlier articles, whereby the family farm has to be managed directly by the farmer and/or a member of his/her family; the farmer must own at least part of the means of production; family labour must be predominant; the farmer must reside on the farm or in its vicinity; and the agricultural activity must be the main income source of the family. By meeting this criteria and registering in the National Registry of Family Farming as per Article 6, family farmers then have access to targeted interventions in a number of spheres spanning from natural resources to production and commercialization support; from extension services and access to technology, to education and capacity building; and from infrastructure and rural equipment to social services. As per Article 10, the Law entrusts the Ministry of Agriculture, Livestock and Fisheries with the responsibility to promote the conditions for integral and sustainable rural development through legislative interventions in a number of detailed areas – among which the aforementioned ones – that are stipulated in subsequent articles.

4.2. Integrated policy objectives and results

With a clearly defined target, legislative interventions anchoring policy and programmatic measures can best meet different objectives, both for family farmers and the state. For example, in the case of public procurement-related legislative measures, they may offer a number of possible upsides from supporting family farmers in generating more income to reducing poverty in the wider community while offering a channel to favour the production and consumption of nutritious food and healthy diets for the broader society (Blondeau and Korzenszky, 2022).

In Uruguay for example, *Law No. 19.292 of 2014*, which declares family farming and artisanal fisheries of general interest for the country in Article 1, establishes a national public procurement scheme to benefit family farmers and artisanal fishers.

Article 5 details that a Qualified Organization is made up of at least five agricultural producers, of which at least 70 percent must be family farmers and/or artisanal fishermen duly registered in the National Registry. Meanwhile, a Qualified Organization with Gender Equality must have at minimum the participation of women in the management of the organization and its production system, which is detailed more specifically in Article 1 of the *Decree No. 86/015 of 2015*. On this basis, Article 3 sets a minimum of 30 percent of the public procurement of food to be geared towards purchasing from Qualified Organizations for all centralized food purchases and imposes a requirement of 100 percent for decentralized purchases, while it adds that purchases from a Qualified Organization with Gender Equality should not be below 50 percent whether it be for centralized or decentralized purchases.

In Colombia, *Law No. 2046 of 2020* states in Article 1 that its aim is to foster the conditions and create the instruments so that all public procurement and distribution of food promotes the participation of family farmers. Furthermore, Article 4 declares the need for a close link and common evolution between the territory and the farmers, combining economic, social, ecological, political, and cultural functions. Article 7 details the modalities and criteria for the public procurement of food, which includes the obligation to acquire from family farmers at a minimum of 30 percent of the total value of the resources of the budget of each entity destined for the purchase of food. Several other articles establish the institutional arrangements for the implementation and monitoring of the Law.

"All policies, plans, programmes and projects implemented by the Ministry of Agriculture, Livestock and Fisheries, decentralized institutions or decentralized entities from the national executive branch geared towards favoring the production, industrialization and marketing of agricultural products shall take into account family farming and the enhancement of family farmers' livelihoods in its execution. The representative organizations shall be integrated into the existing advisory councils or those to be created."

Source: Article 13, *Law 27.118 of 2015, Argentina*.

4.3. Traditional and customary practices

Legislative interventions are critical in framing subsequent policy interventions for cross-cutting social matters, some of which may have particular relevance for the traditions and culture of entire groups of family farmers. For instance, legislative interventions on traditional and customary practices are intrinsically important for the present and future of family farming and larger communities.

In Ecuador for example, the *Organic Law of Rural Lands and Ancestral Territories of Ecuador of 2016* in Article 2 states among its aims, to guarantee the ownership of community lands, and the recognition, adjudication and titling of lands and territories notably of Indigenous Peoples in accordance with the Constitution, agreements and other international instruments of collective rights in view of ensuring food sovereignty, improving productivity, promoting a sustainable and balanced environment, while granting legal certainty to right holders. Article 3 clarifies further that the possession and property of ancestral land and territory is understood as the physical space over which a community, commune, people or nationality of ancestral origin has historically generated an identity based on social, cultural and spiritual dimensions, developing economic activities and their own forms of production in a current and uninterrupted way while their ownership is imprescriptible, inalienable, unseizable and indivisible, in addition to their adjudication being free and exempt from the payment of fees and taxes. Article 30 mainly characterizes family farming and

adds to the definition already detailed in Article 28, but it also mentions some of the state support to family farming included in the Law, among which: the implementation of policies to strengthen organizational capacities; the integration of organised production commercialization, access to markets, technical assistance, technological innovation, training in associative management; and support for the production initiatives of family farmers. To ensure the active participation of family farmer constituencies and their representatives, and manage the many institutional arrangements foreseen in the Law, Article 35 establishes the Consultative Council, which consists of citizens representing civil society and national representatives of producer organizations, communes, communities, towns and nationalities. The Council's mandate is mainly the formulation, observation, monitoring, oversight and evaluation of public policies in matters of equitable redistribution of state lands, titling of community lands and ancestral lands and territories, while exercising social oversight of the management of the National Land Fund.

"The provisions established herein will be mandatory for public entities at the national, departmental, district, municipal level, mixed economy companies, and private entities that manage public resources and operate on the national territory, that demand directly or through an interposed person, food and products of agricultural origin for the supply, complying with the sanitary requirements established by current regulations. The provisions contemplated in this law will also apply to private entities that sign contracts with the State and that, in the development of the tasks or activities carried out within the framework of those, demand directly or through an intermediary person food or products of agricultural origin for the supply."

Source: Article 3, Law No. 2046, Colombia.

Meanwhile, in Mongolia, practical measures have been put in place with the adoption of *Resolution No. 114 on non-governmental entities of 2007* to protect forests through the collective rights of usage and ownership. Among the features to define the voluntary association of citizens that possess the aforementioned collective rights (Nuhurluls), one Nuhurlul has to comprise more than 15 families or 30 members in the Khangai area, and more than 10 families or 20 members in the Gobi-Prairie area, while the size of the forest reserve for one Nuhurlul has to be less than 10 000 hectares. Meanwhile, certain powers are conferred to Nuhurluls, among which are to participate, vote in the decision-making of forest protection, and receive support from the governmental authorities. At the same time, Nuhurluls are entrusted with a number of duties, among which are to prevent and monitor shortages of forest areas, water, floras, creatures and other natural reserves, as well as to protect the forest area from fire, pest infection and other diseases, while maintaining the forest and organizing the reproduction of its resources. What is more, the Resolution makes institutional arrangements by detailing the responsibilities of other actors, including the authorities, the inspectors, and the environmental office.

"The fulfillment of the social and environmental functions of the rural properties of peasant family farming, will have the support of the State that will dictate the necessary policies and establish the means and instruments for its implementation."

Source: Article 14, *Law No. 711*, Ecuador.

4.4. Pressing issues

"Declares Family Farming of social interest and public utility, due to its contribution to national production, food and nutritional sovereignty; generation of employment, income and territorial economic dynamics, to artisanal production, processing of raw materials and trade; the generation of space for learning and transfer of knowledge; culture, roots and territorial identity; the preservation of ecosystems and natural resources such as water, soil and biodiversity. Therefore, it will be the object of attention, incentives and support from the State."

Source: Article 2, *Family Farming Law No. 814*, El Salvador.

Legislative interventions based on a clear definition can also serve to address pressing issues affecting specifically family farmers to a better extent than other groupings when they arise, ex-ante or even when permanent. Thereby, a broad spectrum of legislative interventions can be tailored to assist family farmers to increase their resilience in various ways and on many fronts.

In Mauritius, to mitigate the impact of fishing bans on fishing families, the country adopted the *Fishermen Welfare Fund Act of 2000* to provide for the social and economic welfare of fishers and their families, including through loans and other financial assistance, as provisioned in Article 4. *Regulation G.N. 104/2006* adopted subsequently, further details the modalities for the implementation of the Fund by establishing a contributory scheme to support bank fishermen during the months

of June, July and August of each year (Article 4). It is specified in Article 6 that fishermen who have been on at least two fishing campaigns from 1 September in one year to 31 May of the following year, may participate by making a specified contribution as set out in the schedules.

Meanwhile, as many crises continue to cause havoc across the globe and severely impact family farmers, a number of countries have used legislative interventions to try to address some of the pressing issues, such as the Novel Coronavirus (COVID-19) pandemic. To this end, El Salvador, adopted the *Transitory Special Law on measures for the agricultural sector (No. 642) of 2020* to mitigate the impact of the pandemic on family farmers. The country also adopted the *Family Farming Law No. 814 of 2021* which aims to comprehensively orient the development of a legal framework for sustainable family farming based on agroecology, that is resilient to climate change and that contributes to economic development, equity and social inclusion (Article 1). Anchored in Article 116 of the *Constitution*, the Special Law aims to support family farmers through the establishment of tailored economic and financial measures so as to guarantee food security for the population and the subsistence and operability of the productive chains that make up the sector (Article 1). With an initial duration of six months extendable under Article 8, the Law in Article 2 foresees among its temporary measures a moratorium for the suspension of payment of capital and interest on agricultural credits, as well as the creation of credit lines with interest rates of no more than 5 percent per year as provided for in Article 5.

Through the above diverse examples, it was presented how a variety of legislative interventions, anchored in clear definitions and inserting themselves in broader policy and societal processes, have the potential to efficiently address some of the key concerns and obstacles facing family farmers today. By framing subsequent sectoral policy and programmatic interventions through the use of the clear legal definition, it increases the ability to coherently act on the multidimensional nature of family farming and favours coordination among the different actors and levels of intervention. An important takeaway is that irrespective of specificities linked to national and infranational contexts, it remains that the importance resides in actively legislating on evidence-based criteria in order to ensure family farmers' procedural and substantive rights.

5. Summary and recommendations

Over the course of this legal paper, a vast array of national cases was analysed and presented. These national examples showcase the multitude of ways through which the law can support family farming and the livelihoods of family farmers, and reinforces their contribution to different national priorities. Through these geographically broad examples, the varied characteristics of definitions found in pieces of legislation demonstrate some similarities, but also specificities that are tailored to the differing social, economic and cultural contexts. Throughout, the repeating element within the laws and regulations that were analysed is the importance of the definition of the family farmer, which not only proves central to the execution of the legislation itself, but also critical for subsequent secondary legislation, policies, programmes, plans and strategies to give life to its main provisions, which have the ability to directly contribute to the attainment of a number of SDGs.

Based on the main elements presented in the paper and mindful of the three initial questions posed as part of the Methodology for the research, hereafter are five recommendations to enhance the livelihoods of family farmers using the support of the law:

1. Defining family farming with clarity makes legislative intervention more efficient.

A clear and tailored legal definition favours an astute understanding of the obstacles faced by family farmers while orienting the subsequent implementation through secondary legislation and policy measures that strive to tackle those hurdles in more detail. Each context calls for specificities that best address the local reality, although the features mostly dealt with in the paper are transversal and the national experiences shared from different parts of the globe can hone valuable insights for consideration.

2. Working the whole spectrum of legal possibilities best enhances policy and advocacy efforts for family farming

Utilizing the legal system anchors those efforts within different legal layers that can best withstand political fluctuations. Legislative avenues ranging from constitutional processes to regulatory frameworks, wherever they may be inspired from, are manifold and have the potential to positively contribute to addressing family farmers' needs in an inclusive and sustainable manner. An area that should not be overlooked are legislative provisions on institutional arrangements – critical in establishing the structural basis for actions in support of family farming, with clear and broad mandates entrusted, adequate human and financial resources provided for, and the active and effective participation of all relevant stakeholders foreseen, in order to strengthen accountability and transparency of those efforts (FAO, 2014).

3. Making use of primary and secondary legislative interventions allows to comprehensively address the multidimensional nature of family farming

Dedicating an overarching framework law on family farming sets the frame within which subsequent legislation can be crafted, favouring coherency and an increased attention to all interrelated dimensions. Therefore, subsequent legislation offers a practical entry-point through which obstacles can be concretely overcome. In addition, paying close attention to the compliance

and enforcement of legislation proves critical in ensuring that well-drafted texts are able to have their main provisions implemented and objectives reached, thereby yielding a substantial practical impact.

4. Using the complete decision-making process rigorously enables proficient planning to overcome potential obstacles and bottlenecks

This favours more inclusive, accepted and sustainable legislative interventions in support of family farming. In the early stages of the process, promoting close collaboration between experts and institutions in different fields to collect and analyse both quantitative and qualitative data and information in order to feed the legislative process as part of an ex-ante regulatory impact assessment is beneficial in making legislative interventions as efficient and effective as possible. An ex-ante impact assessment is a systematic process of identification and assessment of expected impacts of a primary or secondary legislative proposal that makes use of a consistent analytical method (OECD, 2008).

5. Ensuring an active, informed and meaningful participation reduces the margin of errors and enhances the implementation, compliance with and enforcement of legislation

This is the most efficient way to ensure that real and concrete challenges facing family farmers are duly taken into account. Based on a conducive institutional framework, such participation also contributes to an increased understanding and ownership of the legislative measures, thereby reinforcing their likely impact and sustainability over time. In addition, active participation by family farmers is highly relevant as part of public consultations in early stages of decision-making processes, as it can serve to provide better information to the analysis while offering an opportunity to identify and correct faulty assumptions and reasoning at the earliest stages (OECD, 2008).

References

International instruments (non-legally binding)

Transforming Our World: The 2030 Agenda for Sustainable Development (2030 Agenda). United Nations General Assembly, 25 September 2015. UNGA A/RES/70/1.

United Nations Decade of Family Farming (2019-2028). United Nations General Assembly, 6 October 2017. A/RES/72/239.

United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas. Human Rights Council, 28 September 2018. A/HRC/RES/39/12.

Voluntary Guidelines for Securing Sustainable Small-scale fisheries in the context of food security and poverty eradication (SSF Guidelines). Committee on Fisheries, Rome, 9-13 June 2014.

Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT). Committee on World Food Security, 11 May 2012.

National legislation

Argentina. *Ley 27.118 - Ley de reparación histórica de la agricultura familiar para la construcción de una nueva ruralidad en la Argentina [Law of historical reparation of family agriculture for the construction of a new rurality in Argentina]*, 2015.

Azerbaijan. *Law No. 926-IIQ on family farming*, 2005.

Belarus. *Law of the Republic of Belarus No. 611-XII on Peasant (Farm) Households*, 1991.

Bolivia (Plurinational State of). *Law No. 338 Law of Peasant and Indigenous Economic Organizations - OECAS and of Community Economic Organizations - OECOM for the Integration of Sustainable Family Agriculture with Food Sovereignty*, 2013.

Brazil. *Law No. 11.326 establishing the guidelines for the formulation of the National Policy for Family Farming and Rural Family Units*, 2006.

Colombia. *Ley No. 2046 - Ley por la cual se establecen mecanismos para promover la participación de pequeños productores locales agropecuarios y de la agricultura campesina, familiar y comunitaria en los mercados de compras públicas de alimentos [Law No. 2046 - Law establishing mechanisms to promote the participation of small local agricultural producers and peasant, family and community agriculture in public food purchase markets]*, 2020.

Croatia. *Law on family farming*, 2018.

Ecuador. *Ley Orgánica de Tierras Rurales y Territorios Ancestrales de Ecuador [Organic Law of Rural Lands and Ancestral Territories of Ecuador]*, Official Registration No. 711, 2016.

Egypt. *Constitution of the Arab Republic of Egypt*, 2014.

El Salvador. *Constitución de la República de El Salvador [Constitution of the Republic of El Salvador]*, 1983.

El Salvador. *Decreto Legislativo N° 642 - Ley Especial transitoria de medidas al sector agropecuario para garantizar la seguridad alimentaria ante la Emergencia Nacional y los efectos de la misma por la pandemia COVID-19 [Legislative Decree No. 642 - Transitory Special Law on measures for the agricultural sector to guarantee food safety in the face of the National Emergency and its effects due to the COVID-19 pandemic], 2020.*

El Salvador. *Decreto Legislativo N° 814 - Ley de agricultura familiar [Legislative Decree No. 814 - Family Farming Law], 2021.*

France. *Code rural et de la pêche maritime [Rural and Maritime Fishing Code], 1979.*

France. *Loi n° 2014-1170 d'avenir pour l'agriculture, l'alimentation et la forêt [Law No. 2014-1170 for the future of agriculture, food and forestry], 2014.*

Indonesia. *Law of the Republic of Indonesia No. 7/2016 on the Protection and Empowerment of Fishermen, Fish Raisers and Salt Farmers, 2016.*

PARLATINO (Latin American and Caribbean Parliament). *Model Law on Family Farming, 2017.*

Mali. *Loi n° 06-045 portant loi d'orientation Agricole [Law No. 06-045 on the agricultural guidance law], 2006.*

Mauritius. *Contributory Scheme for Bank Fishermen Regulations (GN 104/2006), 2006.*

Mauritius. *Fishermen Welfare Fund Act (No. 28), 2000.*

Mongolia. *Ministerial Resolution No. 114 on non-governmental entities, 2007.*

Panama. *Ley N° 127 - Ley que dicta medidas para el desarrollo de la agricultura familiar en Panamá [Law No. 127 - Law that dictates measures for the development of family farming in Panama], 2020.*

Peru. *Law No. 30355 on the Promotion and Development of Family Farming, 2015.*

Poland. *Constitution of the Republic of Poland, 1997.*

Portugal. *Decree-Law No. 64/2018 establishing the Statute of Family Farming, 2018.*

Senegal. *Law 2004-16 Agro-sylvo-pastoral Guidance Law, 2004.*

Uruguay. *Ley 19.292 - Se declara de interés general la producción familiar agropecuaria y la pesca artesanal y se establece un mecanismo de reserva de mercado estatal de bienes y servicios alimenticios, 2014.*

Uruguay. *Decree 86/015 - Reglaméntase la Ley 19.292, que declara de interés general la producción familiar agropecuaria y la pesca artesanal, y establece un régimen de compras estatales que beneficia a las Organizaciones Habilitadas para la utilización del mismo, 2015.*

Literature

Blondeau, S. & Korzenszky, A. 2022. *Family farming.* Legal Brief 8. Rome, FAO. <https://doi.org/10.4060/cb8227en>

- CIRAD.** 2014. *Public Policy for Family Farming – Definition for better support*. Paris. <https://revues.cirad.fr/index.php/perspective/article/view/31438/31145>
- FAO.** 2012. *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security*. Rome, FAO. www.fao.org/3/i2801e/I2801E.pdf
- FAO.** 2013. *International year of family farming 2014 – Master plan*. Rome. www.fao.org/3/mg367e/mg367e.pdf
- FAO.** 2014. *Institutional Framework for the right to adequate food*. Thematic study 2. Rome, FAO. www.fao.org/3/i3891e/i3891e.pdf
- FAO.** 2014a. *The State of Food and Agriculture 2014. Innovation in family farming*. Rome, FAO. www.fao.org/3/i4040e/i4040e.pdf
- FAO.** 2020. *Coronavirus disease 2019 (COVID-19) and family farming*. Rome. www.fao.org/3/cb0417en/CB0417EN.pdf
- FAO.** 2020a. *COVID-19 and smallholder producers' access to markets*. Rome. <https://doi.org/10.4060/ca8657en>
- FAO.** 2023. FAOLEX database. In: FAO. Cited 21 February 2023. www.fao.org/faolex/en
- FAO & IFAD.** 2019. *United Nations Decade of Family Farming 2019-2028 – Global Action Plan*. Rome. www.fao.org/3/ca4672en/CA4672EN.pdf
- FAO, IFAD, UNICEF, WFP & WHO.** 2022. *The State of Food Security and Nutrition in the World 2022. Repurposing food and agricultural policies to make healthy diets more affordable*. Rome, FAO. <https://doi.org/10.4060/cc0639en>
- HLPE.** 2013. *Investing in smallholder agriculture for food security*. A report by the High Level Panel of Experts on Food Security and Nutrition of the Committee on World Food Security, Rome. www.fao.org/3/i2953e/i2953e.pdf
- Lowder, S.K., Sánchez M.V. & Bertini, R.** 2019. *Farms, family farms, farmland distribution and farm labour: What do we know today?* FAO Agricultural Development Economics Working Paper 19-08. Rome, FAO. www.fao.org/3/ca7036en/ca7036en.pdf
- OECD (Organisation for Economic Co-operation and Development).** 2008. *Building an Institutional Framework for Regulatory Impact Analysis (RIA): Guidance for Policy Makers*. Paris. www.oecd.org/regreform/regulatory-policy/40984990.pdf
- UNGA (United Nations General Assembly).** 2021. *Implementation of the United Nations Decade of Family Farming (2019-2028)*. Report A/76/233. New York, USA. <https://digitallibrary.un.org/record/3937128?ln=en>
- Vapnek, J. & Boaz, P.** 2021. *Legislative and regulatory frameworks for family farming*. FAO legal papers, no. 108. Rome, FAO. <https://doi.org/10.4060/cb6922en>

This legal paper primarily aims to support decision-makers and practitioners in developing legislative measures to enhance the livelihoods of family farmers through dedicated attention being placed on the importance of defining family farming and some of its most common features with cases discussed from different parts of the globe. While each context provides for a tailored definition of family farming with some of the definitions being broader and others narrower in their inclusion and enumeration, recurring elements made their way through multiple definitions and hint at certain commonalities across regions and languages.

In seeking to provide information on three questions: 1) How does a legal definition of family farming support legislative interventions to enhance the livelihoods of family farmers; 2) How can specific legislative measures be developed in support of family farming; and 3) What are key features found in legislation when defining family farming, 22 concrete and detailed cases were discussed – from 21 countries and one region' experiences, representing a broad geographical, socio-economic and cultural variety.

Against this setting, this legal paper primarily analyses cases of legislative measures for family farming through clear and tailored definitions while presenting examples, commonalities and differences in legislative practices in different parts of the globe and on a variety of intrinsic matters for family farmers' livelihoods. After setting the legal background on which legislative interventions for family farming are mostly based, this legal paper delves into specific features of definitions through various examples before examining the closely-linked nature of legislative and policy processes, which are presented through assorted examples of multisectoral legislative measures undertaken to enhance family farmers' livelihoods.

FAO Legal Office
LEG-Director@fao.org

Food and Agriculture Organization of the United Nations
Rome, Italy

