



COMMITTEE ON CONSTITUTIONAL AND LEGAL MATTERS

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Activities of the Development Law Branch – Information report

I. Introduction

1. This Report provides information on the activities undertaken by the Development Law Service (LEGN) in support of the FAO mandate since it last reported to the CCLM at its 109th Session in 2019. The Report also highlights LEGN's specific response to COVID-19, contributing to each of the seven key priority areas of the FAO COVID-19 Response and Recovery Programme.

II. Activities and results

2. LEGN personnel in all locations have successfully adapted to working remotely. The delivery of LEGN's functions has continued amidst the pandemic and, in some areas, expanded. LEGN personnel organized and participated in online workshops, meetings and consultations and relied on digital modalities to implement its planned outputs, including field missions. Traditional travel has been replaced with "virtual missions", where all the regular activities of an in-person mission – meetings, stakeholder consultations, workshops and training – are conducted online. This modality is working smoothly in countries where LEGN can benefit from an existing strong relationship with government counterparts, FAO Representations and national legal consultants and where there are good communication infrastructures. However, the experience has also confirmed that in-person interaction with stakeholders remains important, notably for more complex missions as well as for places where substantial time differences and weak communication networks do not allow for convenient and meaningful virtual stakeholder participation.

A. Reinforcing a global humanitarian response plan for COVID-19

3. LEGN has been actively contributing to the global humanitarian response to COVID-19 by reinforcing and expanding the knowledge base of key actors, particularly FAO Members and civil society.

4. LEGN was among the first FAO offices to publish a **policy brief in FAO's COVID-19 policy brief series**. The brief, entitled "*Legal considerations in the context of responses to COVID-19 to mitigate the risk of food insecurity*"¹, examines some of the unintended consequences of emergency laws on all dimensions of food security and contains recommendations on how to safeguard food security through legal interventions, including emergency decrees.

5. Expanding on the initial discussion in that brief, LEGN has published three other policy briefs on legal considerations for food supply chains², for fisheries and aquaculture³ and for One Health⁴, respectively. A fourth brief on protecting land and natural resource rights is under development. The policy briefs are available in English, Spanish and French, and are being used in LEGN's day-to-day work, as well as in country-specific stakeholder workshops and webinars. For example, in April 2020, LEGN used the briefs to run a well-attended workshop on COVID-19 and food security and nutrition in Kenya.

B. Improving data for decision-making

6. This year marks the **25th anniversary of FAOLEX**. FAOLEX is now the most comprehensive public database of policies and legislation related to food, agriculture and natural resources management, with over 178,000 searchable records. As from September 2020, FAOLEX data has been subject to an Open Data license⁵, an important practical application of FAO's commitment to disseminate information and drive towards big data and digital innovation. This facilitates collaboration across knowledge domains, enriches research and advances the analytical capacity to take informed decisions on drafting and implementation of national laws.

7. LEGN continues to raise the quality of its legal information services through the development of thematic databases. LEGN is currently developing four additional thematic databases with a strong social dimension: Gender; Indigenous Peoples; Small-Scale Fisheries; and School Feeding⁶.

8. FAOLEX has also developed a dataset on legislation impacting food systems and food security adopted in response to the COVID-19 emergency, which now includes approximately 1,000 records⁷. Concurrently, FAOLEX has updated the historical collection of sectoral emergency and disaster management legislation and policies, currently comprising over 1,500 documents⁸. Overall, FAOLEX contains some 5,000 multi-sectoral legal and policy texts relevant to this topic⁹.

C. Ensuring economic inclusion and social protection to reduce poverty

9. The COVID-19 pandemic has had a particularly significant impact upon vulnerable groups, such as small farmers and fishers, rural workers, school children in rural areas, women and indigenous peoples.

10. In this context, LEGN has contributed to the [Interim Guidance Note Mitigating the effects of the COVID-19 pandemic on food and nutrition of schoolchildren](#) jointly developed by the World Food Programme (WFP), FAO and the United Nations Children's Fund (UNICEF). The Guidance Note provides government decision-makers, school administrators/staff and partners with advice on how to

¹ <http://www.fao.org/legal-services/news/detail/en/c/1272012/>

² <http://www.fao.org/documents/card/en/c/ca9121en>

³ <http://www.fao.org/publications/card/en/c/CA9421EN>

⁴ <http://www.fao.org/documents/card/en/c/ca9729en>

⁵ <https://creativecommons.org/licenses/by-nc/3.0/igo/>

⁶ This is in addition to those databases listed in the Appendix of CCLM 109/4 (<http://www.fao.org/3/na838en/na838en.pdf>)

⁷ <http://www.fao.org/faolex/covid-19/en/>

⁸ [http://www.fao.org/faolex/results/en/?query=mainareas:\(disaster\)](http://www.fao.org/faolex/results/en/?query=mainareas:(disaster))

⁹ [http://www.fao.org/faolex/results/en/?query=keywords:\(disasters\)](http://www.fao.org/faolex/results/en/?query=keywords:(disasters))

support, transform or adapt school feeding to safeguard school children's food security and nutrition during the pandemic.

11. In the Latin-American and Caribbean region, LEGN has supported countries in reviewing or updating their legislation on school food and nutrition. In so doing, LEGN encourages inclusion of emergency systems which are sufficiently robust to deal with challenges such as the COVID-19 pandemic. For example, in Ecuador, a new law on school food and nutrition developed with LEGN's support was enacted in April 2020.

D. Bolstering trade and food safety standards

12. The COVID-19 pandemic has disrupted agricultural trade. Trade legislation is crucial to support its recovery and make it more resilient to future shocks.

13. LEGN's activities have included assistance related to trade in seeds, supporting food security, particularly in light of recent rises in levels of hunger. In collaboration with the FAO Subregional Office for Southern Africa (SFS), LEGN led the assessment of **legal frameworks for seed management** in eight countries in the Southern African Development Community (SADC). The legal frameworks were assessed against the SADC's Harmonized Seed Regulatory System (HSRS), which was formulated to facilitate free trade and movement of seeds within the region. The outcome of the assessment will be used to support legislative reform, potentially enhancing trade and access to quality and safe seeds within the SADC region, which is crucial to countering the negative effects COVID-19 has had on food security.

E. Boosting smallholder resilience for recovery

14. Recovery measures from COVID-19 cannot exist in a vacuum. To be successful, they must also respond to other major existing challenges. Foremost of these challenges is climate change; a topic on which LEGN has been particularly active.

15. In Latin America, LEGN supported the development of a draft **model law on climate change** and food security and nutrition. The model law was approved unanimously on 12 August 2020 in a joint session of the Commission on Agriculture, Livestock and Fisheries and the Commission on Environment and Tourism of the Latin-American and Caribbean Parliament (PARLATINO), and may now be used as a template for national legislation by all members of the PARLATINO¹⁰. This is the first model law in the region that deals with climate change and addresses its effects on food security and nutrition. FAO and the United Nations Environment Programme (UNEP) have supported this process, which is expected to conclude with the approval of the model law by the PARLATINO before the end of the year.

16. LEGN, with the FAO Regional Office and Subregional Office for Mesoamerica (SLM), as well as the Spanish and Mexican cooperation – the Hunger-Free Latin America and the Caribbean 2025 Initiative Support Project and the Mesoamerica Hunger Free AMEXCID-FAO programme – has provided technical assistance to PARLATINO as part of the *Joint work plan between FAO and the PARLATINO in the context of COVID-19*. LEGN is supporting, in particular, discussions on a draft **model law on water and sanitation** in rural communities. Technical assistance on **legislation to reduce and prevent food loss and waste**, as well as **promote and strengthen agroecology**, is also ongoing.

¹⁰ See <https://parlatino.org/informacion-paises-miembros/>

F. Preventing another zoonotic pandemic through a strengthened One Health approach

17. The interconnection between human, animal and environmental health is gaining wider recognition, partly due to the impacts of COVID-19. The One Health approach therefore addresses not only human, animal and plant health, but also pays attention to the forestry, wildlife and environment sectors. LEGN takes this interconnection into consideration in supporting the formulation and enforcement of appropriate and comprehensive legal frameworks that include a clear allocation of roles, responsibilities and budget. LEGN is leading projects in Africa, Asia and Latin America which encourage the One Health approach through legislative means.

18. LEGN's work on One Health has a strong focus on **antimicrobial resistance (AMR)**. To assist countries in assessing their legal frameworks for AMR, LEGN has developed a Methodology to analyse AMR-relevant legislation in the food and agriculture sector, in collaboration with the World Organization of Animal Health (OIE). The Methodology has been applied in 22 countries, as well as to the legal framework of a regional organization, and is facilitating several legal reform processes. LEGN is also collaborating with the OIE and the World Health Organization (WHO) to convert the Methodology into a One Health tool, extending its use to human health legislation.

19. In the context of the **Sustainable Wildlife Management (SWM) Programme**, LEGN has developed legal diagnostic tools and methodologies to facilitate the assessment of existing legislation and to formulate appropriate legislative responses across different sectors, from land, forestry and wildlife to animal health, animal production and food safety¹¹. These tools help to identify gaps and inconsistencies between relevant sectoral legislation, with international treaty commitments, as well as between statutory and customary law. They will be used as a basis for a comprehensive legal review under the One Health approach.

G. Triggering the transformation of food systems

20. Even prior to the COVID-19 pandemic, FAO considered there to be a knowledge gap on how to legislate for **improved nutrition and sustainable food systems**. COVID-19 has highlighted the need for legislative guidance on how to make food systems resilient to such shocks. Work is ongoing and initial findings by LEGN and its partners indicate that there is a need for broad-based legislative and policy interventions at all stages of production, distribution, marketing and consumption, as well as in other areas, such as ensuring safe water for domestic use and women's empowerment.

III. Future activities

21. LEGN has long-standing experience in supporting the design of legislation to address the needs and requests of FAO Members. However, LEGN's broad experience confirms the need to foster procedural and substantive legitimacy of legislation, and effective implementation and enforcement of such legislation. Law is instrumental in providing incentives for actors' compliance, either through systems of sanctions or rewards for compliance. Drawing upon its comparative advantages, LEGN now intends to expand its focus to better address gaps in implementation and enforcement of law.

22. LEGN has developed a concept note outlining a Programme that will support Members to achieve improved legislative coherence and to strengthen implementation, compliance and

¹¹ The Programme aims to improve wildlife conservation and the food security of rural communities that rely on wild meat in selected African, Caribbean and Pacific countries (Gabon, Republic of the Congo, the Democratic Republic of the Congo, Madagascar, Guyana, Zambia, Zimbabwe, Papua New Guinea, as well as Sahelian Wetlands in Chad, Egypt, Mali, Senegal and Sudan). See also CCLM 109/4.

<http://www.fao.org/3/na838en/na838en.pdf> and CCLM 106/4

http://www.fao.org/fileadmin/user_upload/bodies/CCLM_106/MV872_4/MV872_CCLM_106_4_en.pdf

enforcement of agriculture, food and natural resource laws, taking a multi-disciplinary, participatory and cross-sectoral approach.

23. LEGN has also developed a concept note outlining a project for implementation of its “*Strategy on Law and Climate Change*”¹².

24. Resource mobilization efforts to fund the above two initiatives are ongoing.

IV. Concluding remarks

25. Legal stability and predictability, as well as transparent and accountable institutions, have proven to trigger change towards the achievement of the SDGs, including during times of emergency. The three-faceted legal services delivered by LEGN - capacity development, advisory services and information - aim to equip Members with adapted and enforceable regulatory governance frameworks to pursue their development goals. It is LEGN’s view that these services need to be strengthened and taken a step further, to include support for implementation and enforcement of laws.

V. Suggested action by the Committee

26. The CCLM is invited to consider the information in this Report and provide guidance as appropriate.

27. The CCLM is invited to take note of LEGN’s role and approach to development law services as described and to highlight the importance of sound legal frameworks and their effective implementation for achievement of the SDGs, also in times of emergency.

¹² Information on this Strategy was reported to the CCLM during its 109th Session (CCLM 109/4).

Annex 1**LEGN publications from September 2019 to September 2020**

Legislative Studies:

[The right to water for food and agriculture #113 EN](#)

[Legislative approaches to sustainable agriculture and natural resources governance #114 EN](#)

Legal Guides:

[Legal guide on school food and nutrition - Legislating for a healthy school food environment #2 EN](#)

[Legal guide on land consolidation – Based on regulatory practices in Europe #3 EN](#)

Legal Papers:

[The role of law in the reduction of rural poverty - Towards leveraging legal frameworks #105 EN](#)

Legal Briefs:

[Medidas legislativas destinadas a erradicar la pobreza rural - Nota de orientación jurídica para parlamentarios en América Latina y el Caribe No. 7 ES EN](#)

[Estrategias legislativas para mejorar la nutrición - Nota de orientación jurídica para parlamentarios en América Latina y el Caribe No. 6 ES EN](#)

[Legislar para promover una inversión responsable en la agricultura y los sistemas alimentarios - Nota de orientación jurídica para parlamentarios en América Latina y el Caribe No. 5 ES EN](#)

[Legislar para una gobernanza responsable de la tenencia de la tierra, la pesca y los bosques - Nota de orientación jurídica para parlamentarios en América Latina y el Caribe No. 4 ES](#)

[Legislar para una alimentación y nutrición escolar adecuada - Nota de orientación jurídica para parlamentarios en América Latina y el Caribe No. 3 ES EN](#)

[Leyes marco sobre el derecho a una alimentación adecuada - Nota de orientación jurídica para parlamentarios en América Latina y el Caribe No. 2 ES EN](#)

[El derecho a una alimentación adecuada en las constituciones - Nota de orientación jurídica para parlamentarios en América Latina y el Caribe No. 1 ES EN](#)

[Legal considerations in the context of responses to COVID-19 to mitigate the risk of food insecurity EN](#)

[Legal considerations in responses to COVID-19 to mitigate the risk of disruption to fisheries and aquaculture food systems EN FR ES](#)

[One Health legislation - Contributing to pandemic prevention through law EN](#)

[Legal mechanisms to contribute to safe and secured food supply chains in times of COVID-19 EN FR ES](#)

[Protecting land and natural resources tenure rights in the era of COVID-19 by heeding the lessons from the past EN](#)

Partner Publications:

[El derecho a la alimentación adecuada en el Paraguay - Marco normativo e institucional y desafíos en el ámbito jurídico ES](#)

[Lineamientos referenciales para legislar o regular el buceo en la pesca artesanal o de pequeña escala en la región de América Latina y el Caribe ES](#)

[Guidelines on strengthening gender equality in notarial practices - South-East Europe. FAO and GIZ. 2019 EN](#)

[Legislating for Sustainable Small-Scale Fisheries – A guide on how to align national fisheries legislation to the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication EN](#)