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Legislative and regulatory frameworks for family farming



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Legislative and regulatory frameworks for family farming

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Foreword

Global hunger and malnutrition are rising. To feed the world in a healthy and sustainable way, an urgent and radical shift in our food systems is necessary, and family farmers must be a part of the solution. Family farming is the foundation of food security and improved nutrition and is key to deliver food systems that produce enough healthy food, that bring economic benefits and development to rural people and territories, and that ensure economic and physical access to adequate food for all, especially for vulnerable groups, all while safeguarding biodiversity and the environment. The global Novel Coronavirus (COVID-19) pandemic highlighted weaknesses, gaps and inequalities in food systems, the urgent need for systemic efforts in their transformation, and the crucial role that family farmers play in eradicating hunger and shaping our future of food.

As promoted by the *United Nations Decade of Family Farming 2019-2028 (UNDF)*, there is an urgent need to innovate, formulate and reform policy and legal frameworks to support the multi-dimensionality of family farming, including a wide range of issues such as gender equality, youth, climate change, resilience, digitalization, nutrition, agroecology, and territorial development, to name just a few. In this regard, the UNDF serves as a framework for countries to develop affirmative public policies and investments to support family farming and devotes special attention to the establishment of an enabling policy environment to strengthen it. Laws and regulations are essential to ensure this enabling environment. Therefore, the *Global Action Plan (GAP)* for the UNDF clearly states that governments need to develop and improve context-specific legal and institutional frameworks to better tailor, prioritize and target interventions and investments for the support of family farming (FAO and IFAD, 2019a).

Since the launch of the UNDF, the Food and Agriculture Organization of the United Nations (FAO) has been working in close collaboration with various actors to design tools and resources, which can assist the development and implementation of context-specific interventions focused on the explicit features of the relevant family farmers. Executive and legislative governmental bodies face complex challenges in drafting legislation to address growing multifaceted issues while conciliating demands from different social, political and economic actors. They have the legal prerogatives to act, and it is expected that they do it in an effective and inclusive way. This legal paper is mainly directed to decision-makers and aims to promote conducive legal frameworks for family farming by offering a snapshot of some of the types of legislative and policy measures that affect family farmers. It explores laws, regulations, policies, and programmes that address the significant economic, environmental, and social constraints faced by family farmers and their communities in order to strengthen the knowledge and capacity of governments and parliaments to develop sensible policies, programmes and laws that consider the needs of present and future generations.

With this presented paper, FAO aims to directly contribute to the development of an enabling policy environment to strengthen family farming (see UNDF GAP Pillar 1) by promoting the legal recognition of the family farmer profession (Indicative Action 1.4.4), and by the strengthening of legislative and institutional frameworks across the relevant policy areas of family farming (Indicative Action 1.4.5).

While each country has a range of possible options to generate policy alternatives and thus formulate legislation, general observations can help to determine whether existing legislation may or may not support family farming. For the development, implementation,

and enforcement of a well-targeted legislation, it is essential that it contains a precise characterization of family farming, and this paper provides to decision-makers a unique collection of existing definitions from around the world. Also, the paper helps to categorize some of the laws and regulations relevant to family farming to determine the features that can most positively benefit it.

On the other hand, family farming-related issues cut across many different sectors, from food production, processing, distribution, and preparation, to the livelihood of family farmers in general, such as matters touching on healthcare, social inclusion, education, and much more. Consequently, decision-makers face a complex challenge to adequately address all those relevant areas in legislation and establish effective collaboration arrangements among actors for the implementation, compliance with and enforcement of the legislation. This paper provides them with different options on how to embrace this complexity and design supportive legislative tools best suited to their respective context.

This paper is the product of a highly collaborative effort between the Development Law Service of the Legal Office of FAO, the Partnerships and United Nations (UN) Collaboration Division, Family Farming Engagement and Parliamentarian Network Unit of FAO, and the University of California Hastings College of the Law. They are all committed to promoting the design of workable and appropriate legal frameworks to support family farming-centred sustainable agri-food systems.

The paper contributes to FAO's Strategic Framework 2022-2031 and strengthens its core functions of providing normative and policy guidance to countries and other partners for more efficient, inclusive, resilient and sustainable agri-food systems. FAO is committed to support all relevant actors and bring forward concerted actions for the implementation of the UNDFP and to step up interventions for healthy, resilient and sustainable agri-food systems that can sustainably guarantee access to healthy and nutritious food for all.



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Acronyms and abbreviations

ACFC	Strategic Guidelines of Public Policy for Family, Peasant, and Community Farming
CFS RAI	Principles for Responsible Investment in Agriculture and Food Systems
COVID-19	Novel Coronavirus
EAS	Extension and Advisory Services
FAO	Food and Agriculture Organization of the United Nations
FFCO	Forest farmer cooperative organization
FISP	Farm input subsidy programme (Malawi)
FMNP	Farmers Market Nutrition Program (USA)
GAP	Global Action Plan (of the UNDRR)
GDP	Gross domestic product
GPS	Global Positioning System
Ha	Hectares
HLPE	High Level Panel of Experts on Food Security and Nutrition
IFAD	International Fund for Agricultural Development
IFPP	Institutional food procurement programme
IFPRI	International Food Policy Research Institute
IDB Group	Inter-American Development Bank Group
LAT	Legal Assessment Tool
MGNREGA	Mahatma Gandhi National Rural Employment Guarantee Act (India)
NIFA	National Institute of Food and Agriculture
OECD	Organisation for Economic Co-operation and Development
OHCHR	Office of the United Nations High Commissioner for Human Rights
Parlatino	Latin American Parliament
Parlandino	Andean Parliament
PROAGRO	Agriculture and Livestock Activity Guarantee Program (Brazil)

PRONAF	National Program for the Strengthening of Family Farming (Brazil)
Right to Food Guidelines	Voluntary Guidelines to support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security
SDG	Sustainable Development Goal
SPP	Sustainable public procurement
SSF Guidelines	Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNDF	United Nations Decade of Family Farming
UNEP	United Nations Environment Programme
UNICEF	United Nations Children's Fund
UNIDROIT	International Institute for the Unification of Private Law
UNGA	United Nations General Assembly
USDA	United States Department of Agriculture
VGFSyN	Voluntary Guidelines on Food Systems and Nutrition
VGGT	Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security
WFP	World Food Programme
WHO	World Health Organization

Introduction

Family farming is the predominant form of food production in the world. Family farmers are recognized to be key agents of development strategies towards sustainable and equitable food systems while playing an important role in efforts to achieve the Sustainable Development Goals (SDGs) (FAO and IFAD, 2019b).

In recent years, international efforts have increased awareness about the pivotal role played by family farmers. In December 2017, the United Nations General Assembly (UNGA) proclaimed 2019–2028 to be the United Nations Decade of Family Farming (UNFFF) and required all Member Nations to develop, improve and implement public policies on and investments in family farming while sharing their experiences and best practices. The UNGA called on the Food and Agriculture Organization of the United Nations (FAO) and the International Fund for Agricultural Development (IFAD) to lead the implementation of the UNFFF. This legal paper arises from that effort and will advance the implementation of the UNFFF, in particular its Pillar 1, which aims to “develop an enabling policy environment to strengthen family farming” (UNGA, 2018).

To foster such an enabling environment, many issues faced by family farmers that need to be addressed may be similar in various parts of the world. Still, to effectively support family farming through legislative and policy measures, interventions may depend on a number of individual considerations that range from legislative and policy environments to agroecological conditions, from infrastructure availability to demographic, as well as economic, social and cultural contexts of the farms, among many others. As a result, in different contexts, decision-makers are seeking to better understand how legal and regulatory frameworks can encourage and positively support family farming, and in turn considerably contribute to achieving the SDGs.

Against this background, the paper has two main objectives: categorizing some of the laws and regulations relevant to family farming to determine the features that can most positively benefit family farming; and sharing information and experiences for decision-makers. Given that legislative and policy measures in one region or country are not necessarily applicable or conducive in another one, individual measures will have to be based on a variety of considerations such as those aforementioned. With this in mind, the goal of this paper is not to provide prescriptions for how to regulate family farming, but rather to present different options to decision-makers. Using this paper, decision-makers will be better able to appreciate the complexity of their existing legislative and regulatory frameworks that underpin family farming and design supportive approaches best suited to their respective context.

This legal paper is divided in different sections. Following the introduction, Section 1 presents an overview of family farming, some of its main features in today’s world as well as its contribution to achieving the SDGs. Thereafter, in Section 2, the methodology anchoring the paper as well as its basis in the *Global Action Plan* (GAP) of the UNFFF is discussed.

Section 3 begins by explaining the relationship among laws, regulations and policies – how they influence each other and how they are adopted and implemented. It then analyses different approaches to legal definitions that have been adopted across the globe while stressing the importance of having a clear definition of ‘family farmer’ in law. Having a clear definition will guide its interpretation and render it possible to have targeted interventions,

as having specific criteria to identify the target beneficiary of a measure is a pre-condition to affirmative policies across the spectrum.

Section 4 is the core of the paper. Using the GAP pillars as guideposts, the paper compiles a number of laws, regulations, policies and programmes – selected using the methodology – and places them into conceptual categories. It presents and discusses each category, highlighting how different features of laws and policies may foster, or hinder, family farming. Along the way, it brings to light some of the most important economic, environmental and social constraints faced by family farmers. The legislative examples also reveal that, despite national and local specificities, countries in different parts of the world tend to face similar issues when they set out to improve the enabling environment for family farming.

The paper concludes in Section 5 with some overall observations and recommendations derived from the analysis. With the conceptual framework presented in this paper, decision-makers will be better able to identify which legislative and policy measures can best support family farming.

1. Family farming as a pillar to achieving the SDGs

1.1. A snapshot of family farming

According to FAO's working definition,

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, 2013a).

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.¹

Globally, family farming employs 2.6 billion people, or 30 percent of the world's population, and produces over 80 percent of the world's food in value terms (FAO, 2014a). FAO recently estimated that there are more than 600 million family farms around the world (Lowder, Sánchez and Bertini, 2019). These farms are mostly operated at small-scale level considering that 95 percent of existing farm units are less than 5 hectares and more than 98 percent of farms are less than 20 hectares (HLPE, 2020). Small farms tend to offer the potential for a more diverse food supply that is "socially, economically and environmentally sustainable and that is based on resilient cultivation and distribution systems" (Beck, Haerlin, and Richter, eds., 2016).

Though family farming is at the foundation of food security and nutrition as well as advances towards sustainable healthy food systems and a determinant pillar for achieving the SDGs, family farmers – in particular small-scale food producers, women, youth, Indigenous Peoples and ethnic minorities – are among those most impacted by poverty and vulnerability while facing the highest levels of economic, financial, social and environmental risks. More than 75 percent of the world's poorest live in rural areas and depend on agriculture for their livelihood (FAO and IFAD, 2019b).

1.2. Family farming in the community

Family farms play an important role in the rural agricultural economy, notably by contributing to food security and nutrition in the community. Family farmers spend their incomes mostly within local and regional markets, thus reinvesting in their local economies (Graeub *et al.*, 2016). Some family farms produce for self-consumption, while others with sufficient production capacity are able to sell surplus food produced on the farm to generate incomes to improve the family's lives. The family farm can also be a source of employment for others in the

¹ The present legal 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.

community and therefore stimulate economic activity beyond the farm, which can help reduce rural poverty and food insecurity (Graeub *et al.*, 2016).

Family farming plays an important role in keeping with cultural and food traditions in communities. Local farmers have knowledge of local production and practices, which they pass on to the next generation. By continuously innovating production methods and adapting to the changing climate and socioeconomic conditions, family farmers preserve traditional food products, contributing to both a balanced diet and the protection of the world's agrobiodiversity (Garner, and O Campos, 2014). Still, many family farmers struggle to adapt to the emerging challenges due to various reasons that makes it difficult for them to transition to more sustainable practices and becoming more resilient to climate shocks and changes in socioeconomic conditions. Law and policymaking have a key role to play in supporting family farmers through such transitions.

The centrality of cultural traditions and preservation of traditional knowledge and customary practices of family farmers is particularly true in Indigenous communities. Indigenous Peoples, who comprise approximately 476 million people in around 90 countries across all regions, are a key family farming constituency (FAO, 2021a). Their strong attachment to farmland generally passed down from generation to generation can preserve rural lifestyles and communities.

Conservation of biodiversity is another area where family farmers play an essential role, especially rural women. Indigenous rural women, in particular, are known for their role as "seed-keepers," preserving local and ancestral seeds, knowledge, culture and tradition (Hill, 2016). Some national laws, for e.g. Bolivia's (Plurinational State of) *Law No. 338 of 2013*, explicitly recognize the importance of such sustainable family farming practices. Preserving traditional knowledge is key to sustainable management of natural resources and possesses a particular importance in marginal areas vulnerable to resource degradation. To this end, agroecology is another vital contributor to the sustainable management of natural resources. Agroecology is a holistic approach for transition to more sustainable food and agricultural systems. Family farming deeply rooted in agroecology promotes a more harmonious and environmentally friendly agricultural model, which contributes to the sustainable management of natural resources by notably increasing biodiversity, soil fertility, the use of renewable energy and helping to mitigate and adapt to climate change, thus generating greater resilience.

2. Methodology

2.1. Global Action Plan as the roadmap

In May 2019, the UNDF published its Global Action Plan (GAP) (FAO and IFAD, 2019a) to assist regional and national processes leading to the adoption of action plans aiming to support family farmers. The GAP recommends a series of interconnected actions, from the local to the global level, designed around seven mutually reinforcing pillars of work. These seven pillars, set out here, serve as the organizing principles of this paper:

1. Develop an enabling policy environment to strengthen family farming.
2. Support youth and ensure the generational sustainability of family farming.
3. Promote gender equity in family farming and the leadership role of rural women.
4. Strengthen family farmers' organizations and capacities to generate knowledge, represent farmers and provide inclusive services in the urban-rural continuum.
5. Improve socio-economic inclusion, resilience and well-being of family farmers, rural households and communities.
6. Promote sustainability of family farming for climate-resilient food systems.
7. Strengthen the multidimensionality of family farming to promote social innovations contributing to territorial development and food systems that safeguard biodiversity, the environment and culture.

The GAP establishes that an enabling policy environment (Pillar 1) needs to be in place to achieve and sustain progress towards food security and nutrition. This enabling environment provides a framework for a variety of strategies and interventions. For example, policies targeted at women and youth can ensure the future of family farming (Pillar 2) in a way that promotes gender equality (Pillar 3). It supports family farmer organizations (Pillar 4) to increase productivity and participation. It also targets rural poverty (Pillar 5) and sustainability in agriculture, livestock, fisheries and aquaculture, and forestry (Pillar 6). Finally, it promotes territorial development while preserving biodiversity, the environment and culture (Pillar 7).

This paper explores the components of an enabling policy environment for family farming, as outlined in Pillar 1.

2.2. Identification and selection of legislation and policies

To identify and group laws and regulations, a five-step approach was developed and consists in:

Step 1: Review international documents, including UN Resolutions, UN Human Rights Committee reports, academic literature and other internet and paper secondary sources to identify legal issues relevant to family farming.

Step 2: Outline the range of policies and regulations that fall under each legal issue identified in Step 1.

Step 3: Prepare a preliminary catalogue of the legal issues identified, and using the GAP, subdivide the policies/regulations into two broad categories: those with features that foster or that hinder family farming, with a focus on identifying features of policies and laws that provide an enabling environment for family farming.

Step 4: Review existing legislative databases such as *FAOLEX* (FAO, 2021b). These databases provide general information about the content of family farming-related documents; however, they may or may not go in-depth into accurately categorizing family farming, so this step may require conceptually going beyond existing categories and instead applying and using the draft subcategories identified in Step 2.

Step 5: Select examples of legislation from various geographical regions, from countries of differing income levels. Using those pieces of legislation, test the subcategories to determine whether the legislative examples helpfully fit into the subcategories, whether the subcategories need adjusting and/or whether additional subcategories need identifying.

To identify the different categories, the seven pillars of the UNDFP were used as starting point. Except the first pillar that was the impetus for the paper, broad principles from the remaining six pillars were extracted, which eventually became the 12 categories. Translating these abstract principles into legally relevant categories required a holistic understanding of the legal landscape to conclude that several areas of law, unrelated to each other, could build upon one pillar. The categories are roughly mapped to the pillars as follows:

	Category	Pillars
1	Direct assistance	Pillar 5
2	Subsidies	Pillar 4-7
3	Public procurement	Pillars 4-7
4	Land	Pillars 2, 6, 7
5	Extension services	Pillar 4
6	Financial services	Pillar 5
7	Tax policies	Pillars 2, 4, 5

	Category	Pillars
8	Associations and cooperatives	Pillar 4
9	Trade and commercialization	Pillars 5, 7
10	Preserving the family farm	Pillars 2, 6, 7
11	Socio-cultural conditions	Pillars 2, 3, 7
12	Emergencies	Pillars 5, 7

The selection of laws and regulations came about by weighing multiple factors during the research process – keeping in mind the need to showcase a diverse array of country examples. Factors included geographic region, climate, socio-economic capacity of the state, main industries, and population size, among many others. Moreover, one of the constraints faced pertained to the need for laws to be available online.

To determine whether a law strengthens or hinders family farming, assessing it against the GAP pillars, was the initial step. In the most obvious cases, a piece of legislation would be contradictory to one of the pillars. For instance, a law that only granted property rights to a male head of household was in direct contravention of Pillar 3. Still, a more common occurrence was encountering legislation that did not, as written, strengthen or hinder family farming. While ideally interviews of a variety of governmental and non-governmental stakeholders would be undertaken to better understand the implementation of a law, and its intended and unintended effects, this was not possible for this paper. On occasion, secondary sources that had performed the critical historical analysis of the legislation were used when available, as was the reliance on the knowledge of FAO experts to offer suggestions of insightful legislation.

Reading the law itself provided useful information about its overall value, as factors could be identified that lent weight to the legislation's potential strength or weakness. For instance, how much care and consideration was put into analysing the subject matter and drafting the text? Was there a sufficient level of specificity? Was enforcement of the law realistically considered? Did the text contain measures to monitor the effectiveness of the law? These and other such details helped determine whether a law was likely to either strengthen or hinder family farming. In the end, as legislation is available online in disparate ways and as family farming may be rarely mentioned within impactful pieces of legislation, a holistic understanding of family farming was a determinant in identifying and analysing pieces of legislation that are hindering or conducive to family farming.

3. Family farming from a legal standpoint

3.1. Relationship of law to policy

Governments adopt policies and legislation that underpin family farming. Understanding the distinctions among laws, regulations and policies – and how they interact with each other – is crucial to building an enabling environment for family farming.

As a country's supreme law, the 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 (FAO, 2019a).

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 (FAO, 2019a).

In general, a law (or "act") is a formal document adopted by the legislature that regulates a sector, a certain part of the country, a certain segment of the population or the country as a whole. Laws, once enacted, must be complied with by citizens and residents conducting activities in or with that country.

Regulations (or directives, orders, notices, etc.) are generally called subsidiary legislation. They use the broad structure of primary legislation and fill in the details of the rights and duties set out in the main law. Often, regulations are issued by the executive branch. The administrative bodies tasked with implementing the primary law are called upon to draft regulations setting out the detailed rules for how to enforce the law. Depending on the legal system and the amount of authority given to administrative agencies, the agencies may have a variety of options of how to implement a particular law through subsidiary legislation. Some of the many variables are, the complexity of the primary law, as well as the agency's size, location, resources and other factors.

A policy can be developed before a law or regulation is prepared, such that the law or regulation puts the policy into action; or a policy can be developed afterward, to explain and guide those implementing the laws and regulations. Whereas regulations are administrative in nature, policies are statements or guidelines of general applicability, and they help government entities achieve their goals. While it may not necessarily be against the law to not follow policy, in other circumstances, violating a policy can also mean violating a law. Policies can make societies work smoothly by providing specificity – guidelines or requirements – about services and systems. If used consistently, policies can contribute to reliability, safety and efficiency.

Another consideration that is particularly pertinent for family farming is the interaction between supra-national commitments and the national legal and policy frameworks. While not delving into an exhaustive list of all relevant international and regional instruments, there is an important number of cornerstone legally and non-legally binding human rights instruments that bear direct implications for family farming. When a country ratifies or adheres to an international instrument, it agrees to be legally bound by its provisions and therefore strives

to guarantee them within its jurisdiction. Laws, regulations and policies are means through which such guarantees can be ensured. Together as interdependent measures, they can create an effective and sustainable enabling environment for family farming.

What is more, recent years have witnessed an increasing number of states-driven global voluntary guidance documents being developed in order to turn those international and regional commitments into reality through concrete legislative and policy areas of action. While the list is long and some of those guidelines are mentioned throughout the paper, documents such as the *Voluntary Guidelines to support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security* (Right to Food Guidelines), the *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security* (VGGT), the *Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication* (SSF Guidelines), the *Principles for Responsible Investment in Agriculture and Food Systems* (CFS RAI) as well as the *Voluntary Guidelines on Food Systems and Nutrition* (VGFSyN), have a definite importance in guiding decision-makers towards consolidating the contribution of family farming to the SDGs.²

3.2. The importance of a legal definition

Different pieces of legislation define family farms differently, and the definitions vary depending on country, context, author and even politics (Garner and O Campos, 2014). Still, it is essential for legislation to contain a definition of family farming, as this guides its interpretation. Hereafter, a number of definitions taken from different regions and their key components are presented.

The Latin American and Caribbean Parliament (PARLATINO) provides the following definition of Family Farming in its *Model Law on Family Farming* (2017):

It 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.

In many parts of Africa, for example, there can be two definitions – one commonly accepted by the people, and one recognized by the state. The people consider “family” to be a network in which one or more households are linked by a system of social protection and values, under the moral authority of the family head who is decided upon at family meetings, which is the highest decision-making authority regarding management of the farm. The state, in contrast, tends to define the family farm to be a plot of land cultivated by people from the same family (Niang, and Dieng, 2004). Nonetheless, as with the meaning of “family” that can refer to the extended family and foresee a broader inclusion of family members, customary practices are also frequent in land tenure systems and present an important reality for family farming.³

² Most of these documents and more similar policy documents can be found on the website of the Committee on World Food Security at <http://www.fao.org/cfs/policy-products/en/>. Meanwhile, the SSF Guidelines can be found at <http://www.fao.org/voluntary-guidelines-small-scale-fisheries/en/>.

³ The example of Sierra Leone can be consulted in the Gender and Land Database, see FAO, 2021c.

In Brazil, the *Law No. 11,326/2006 establishing the guidelines for the formulation of the National Policy for Family Farming and Rural Family Units Family Farming and Rural Farming Enterprise Law of 2006* provides a working definition of family farmer, used to assess eligibility for most smallholder support programmes, which defines a family farmer notably as a person who engages in rural activities, possesses no more than 4 fiscal modes,⁴ utilizes predominantly family labour, and makes a living out of its own production.

In the United States of America, family farms means farms that are family owned. They can be organized as a sole proprietorship, partnership, family corporation, non-family corporation or cooperative, and may be managed by the family or a hired manager. Using this definition, family farms account for almost 96 percent of the 2 204 792 farms in the United States of America (NIFA, 2020).

In the Russian Federation, the *Federal Law on peasant (farmer) households of 2003* defines the peasant (farmer) household as an association of citizens related by kinship or by another similar characteristic jointly carrying out production and other economic activities on their property. Members of the farming household may be spouses, parents of the spouses, children, brothers, sisters, grandchildren, grandparents of the spouses and not more than five persons unrelated to the family. In addition, one family farming household cannot consist of more than three families.

Legislation from some other members of the Commonwealth of Independent States tend to be analogous. For example, in Armenia, the *Law on peasant and collective peasant farms of 1992* defines the farm as an independent organizational unit owned by citizens and producing agricultural products. A farm can also consist of just one person but must be registered under the name of the head of the family. Similarly, in Azerbaijan, the *Law on family farming of 2005* states that a family farm may consist of one person, in addition to family members and persons farming with them due to kinship or other relationships. In Tajikistan, under *Law 1289 on peasant farming of 2016*, a dekhkan (peasant) farm is a subject of entrepreneurship where agricultural activities by one person or a group of individuals take place on the land and property they own.

Conversely, in the Belarus *Law on Peasant (Farm) Households of 1991*, members of the farm are members of the same family or other persons “recognized by family members in accordance with family law”. The Ukrainian *Law on farming households of 2003* is similar: one or more citizens who are relatives or family members under the law can create a farming household.

As shown above, each context provides for a tailored definition of family farming. While some of the definitions are broader, others tend to be more narrowed in their inclusion and enumeration. Still, despite the differences between the different definitions presented, there were some recurring elements that made their way through multiple definitions and that could represent commonalities across regions and languages.

⁴ A fiscal mode represents a unit of economically viable farmland. The size of one fiscal mode can range from 5 hectares (ha) to 80 ha depending on the municipality in question.

4. Legal and policy frameworks for family farming

Government interventions differ significantly based on a country's socio-economic context and geography, the type and size of the family farming population, the agricultural commodities grown, and the typology of family farms, among other considerations. Nonetheless, there are common elements and features of laws, programmes and policies that support family farming in diverse contexts.

The discussion highlights some features of laws and policies that may prove less conducive of family farming. Therefore, a law, regulation or policy may mention "family farming" but its actual effect on family farming may be somewhat limited. Other legislation may seem constructive on first read, but its true effects may not be known unless one investigates its effects in practice. For example, Croatia in 2019 adopted a *Regulation on the approval of aquaculture activities that are conducted on family farms*, which may encourage or discourage family farming. Under the Regulation, farmers must request authorization to carry out aquaculture activities on family farms. If the requirements are onerous or the registration fees are high, this could be a deterrent for its uptake. On the other hand, having a register of aquaculture farmers might allow the government to facilitate groupings and associations of aquaculture farmers and to provide tailored and appropriate extension services, both of which are positives. Hereafter, this paper can only focus on written laws, regulations and policies without looking into the implementation.

Some laws and policies directly address aspects of farming, while others more indirectly affect farmers and in numerous ways, from the role they play within their communities and local food systems, to relations between members of a family farm and their choice of pursuing or abandoning family farming. As will be exemplified throughout the paper, specific policies and pieces of legislation may address the farm itself or the farming family, and they may or may not use the term "family farming", which highlights just one of many challenges for researchers and decision-makers. Decision-makers seeking to develop or strengthen an enabling environment for family farming must understand these complexities, and this paper aims to contribute to the provision of such guidance.

4.1. Framework and model laws

Given the inherent multisectoral nature of family farming, the adoption of a national framework law or a regional model law specifically dealing with family farming holds considerable value. While all the sectoral laws and policies that are discussed in this paper can regulate specific areas conducive to family farming and the livelihoods of family farmers and their communities, a national framework law has the ability to touch on all those relevant sectors in a single piece of legislation, while a regional model law can provide guidance to national lawmakers on elements that should be legislated on to facilitate family farming. Thereafter, national sectoral laws and ensuing regulations will deal with the specificities as well as the implementation modalities.

While model and framework laws have not yet been widely used in all corners of the globe, there are regions where their value is undeniable and has been lent to several cross-sectoral issues, such as family farming. The most prominent example of a model law on family farming comes from the Latin American and Caribbean region, where the Parlatino Parliament adopted its *Model Law on Family Farming* in 2017 (Box 1).

Box 1: Parlatino Model Law

The Latin American and Caribbean Parliament (Parlatino) is a permanent democratic institution representing all political trends existing in the legislative bodies of countries throughout Latin America and the Caribbean. Although its resolutions are not binding, it has become a reference for legal frameworks and an influence on the political agendas of its Member States.

Through the Agriculture, Cattle Raising and Fishing Commission, Parlatino passed the *Declaration on Family Farming* in 2012, which provided a comparative analysis of laws regarding family farming in Argentina, Bolivia (Plurinational State of), Brazil and Peru. With the technical support of FAO, Parlatino issued the *Model Law on Family Farming* in 2017.

The intent of the Model Law is to promote a legislative framework oriented to acknowledge, strengthen, and promote family farming as a productive activity and way of living that contributes to food security and sustainable development. Focusing on social equality and respecting cultural diversity, it provides resources to develop efficient strategies according to the needs of each country and subregion, including recovering traditional, ancestral and culturally appropriate products.

The Model Law prioritizes higher vulnerability individuals, families, and communities, especially women who are household heads, young people, and indigenous rural populations. It also aims to foster the social and economic well-being of producers in order to reduce poverty in the rural sector and guide the coordinated action of relevant organizations within government departments.

The Model Law provides guidelines on how to approach food production centered on preserving ecosystem health, fostering more inclusive and efficient food systems, increasing climate change resilience, and strengthening family farming. It also recommends the development of programmes for training, technical support and affordable financing for production, transformation, conditioning and marketing of the yield of family farming.

Source: Model Law on Family Farming adopted by the Parlatino Parliament in 2017.⁵

Meanwhile, another regional institution in the Latin American and Caribbean region, the Andean Parliament (Parlandino), in 2020 adopted a set of guidelines under the *Regulatory Framework to Promote and Strengthen the Peasant Economy and Family Farming*, aimed at promoting the sustainable development of family farming. By elaborating a consistent and comprehensive approach to family farming, the guidelines aim to improve the living conditions of family farmers. Consistent with the GAP, the guidelines recognize the importance of family farming for economic and social development and the realization of the right to adequate food in the Andean Region. These timely guidelines also address family farmers' need for support during the COVID-19 pandemic.

⁵ Over the years, the PARLATINO has adopted several similar model laws on areas that, if not directly, are closely relevant to family farming. Specifically, the *2021 Model Law on Climate Change and Food and Nutrition Security*, the *2017 Model Law on Small-Scale Fisheries* and the *2018 Framework Law on the Right to Food and Food Sovereignty*, among others.

In recent years, several national framework laws and regional model laws on multisectoral issues such as food security and nutrition have been adopted across the globe. Given their ability to deal with multisectoral issues such as family farming, their utilization may increase and therefore contribute to looking at and taking into consideration all the relevant sectoral areas that can either promote or hinder family farming when legislating.

While model and framework laws tend to affect family farming from a holistic point of view, several sectoral laws can influence specific components of family farming. Hereafter, a number of such sectors are analysed and discussed for decision-makers and practitioners to understand some of the synergies and areas that may require additional attention.

4.2. Direct assistance

The first category of laws, regulations and policies that affect family farming is direct assistance programmes. These programmes are often, but not always, targeted at family farmers who may not yet be food secure and are not able to profit from the sale of their crops. The government inputs may be offered as cash, seeds, fertilizers and the like. Direct assistance programmes may be targeted to specific categories of farmers based on income, or they may provide assistance to farmers in a specific geographic area within a country, such as a state or province.

In Turkey, *Decree No. 2015/8294 of 2015* supports small-scale family farming businesses but requires them to be registered in the Farmer Registration System, have a farming area below 5 decares (0.5 hectare) and be involved in cultivating fruit, vegetables, ornamental plants, medicinal plants or aromatic plants. Similarly, Paraguay's *Decree No. 2319 of 2014* and *Decree No. 6193 of 2016* implement a subsidy system of payments to heads of fishing families during fishing bans. The subsidies vary depending on the family's socio-economic status, with fishers classified as in poverty, in extreme poverty or at risk of falling into poverty.

Mauritius enacted analogous legislation 20 years ago with its *Fishermen's Welfare Fund Act* in 2000. The Act establishes a fund, supplied through a fraction of fishing licence fees, to advance and promote the social and economic welfare of fishermen, including through loans and other financial assistance. A subsequent regulation in 2006 established a contributory system to support fishermen during the months of June, July and August. 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 schedule.

Box 2:
Republic of Indonesia
Law of the R.I. No. 7/2016 on the Protection and Empowerment
of Fishermen, Fish Raisers and Salt Farmers

The Latin American and Caribbean Parliament (Parlatino) is a permanent democratic institution representing all political trends existing in the legislative bodies of countries throughout Latin America and the Caribbean. Although its resolutions are not binding, it has become a reference for legal frameworks and an influence on the political agendas of its Member States.

fishermen, fish raisers and salt farmers are highly dependent on fish resources, environmental conditions, facilities and infrastructure, business certainty, access to capital, science, technology and information and that they need to be protected and empowered.

Articles 18-20 of the Law commit the central government to continue providing and/or managing, in coordination with business agents, the infrastructure on which fishermen, fish raisers and salt farmers rely.

Article 21 further states the government will help ensure the availability of supplies and materials needed in the fishery business and salt business. In accordance with their authority, the Law continues, the central government and regional governments will control the prices of these materials. Article 24 offers a list of commodities, including fuel, clean water, and ice, that the government may subsidize.

Finally, Article 36, titled Abolition of Practices of High Cost Economy, discontinues "fees on licencing related to fishing, fish farming, processing and marketing, and salt business for small fishermen, small fish raisers or slam salt farmers, including the families of fishermen and fish raisers engaged in processing and marketing".⁶

Source: Law of the R.I. No. 7/2016 on the Protection and Empowerment of Fishermen, Fish Raisers and Salt Farmers, Indonesia, 2016.

In addition to being food secure, family farmers who wish to generate outputs and sell their harvests may require other forms of assistance than direct assistance programmes. Thus, additional types of laws and policies supportive of family farmers notably consist of those that increase market access and facilitate the use of more efficient farm technologies, such as *Law 27.118 of 2015* in Argentina. The support gives family farmers the means to better manage risks, sustainably increase production and satisfy the basic needs of the family (FAO, 2018a). As will be discussed more fully below, these programmes are most effective when coupled with improving extension services, formalizing land tenure rights and strengthening cooperative associations to increase market access.

4.3. Subsidies

Input subsidies are designed to facilitate farmers' access to fertilizers, seeds or other necessary resources at reduced cost. Where high input prices depress their use, governments can use subsidies to reverse this trend and boost agricultural production (FAO, 2011a). Subsidies have

⁶ More information on legislating specifically for sustainable small-scale fisheries can be found in FAO, 2020a.

been effective at expanding the use of fertilizers, which has increased agricultural production and yields in many countries in sub-Saharan Africa. In Malawi, for example, where 44 percent of the 5 580 000 ha of agricultural land is considered family farms, the government has provided substantial support to smallholder agriculture through a national farm input subsidy programme (FISP) since 2005 (Graeub *et al.*, 2016). FISP provides coupons to smallholder farming households to purchase fertilizer and hybrid maize seed at reduced prices, which has significantly eased access to these critical inputs (Malawi Ministry of Agriculture, 2020).⁷

However, subsidies can also have unintended consequences that hinder family farming. For example, a fishing subsidy that offers a grant to offset the cost of purchasing a fishing vessel is designed to encourage more people to join the fishing industry. An unintended consequence would be if it stimulates overfishing, unintentionally hurting the ecosystem and driving down profits for fishers. Additionally, at times it may not be clear which industry will actually benefit from a subsidy. To use the previous example, a subsidy to offset the cost of purchasing a fishing vessel may seem like a subsidy for the fishing industry, but if ship builders raise their prices to cover the offset, the subsidy would result in being a subsidy to the ship builders, not the fishers (Schrank, 2003). Similarly, some criticism has been aimed at the widespread use of government fertilizer subsidies as not sustainably addressing the underlying issues, leading to unsustainable costs for nations' economies and promoting the use of unsustainable agricultural practices that may compromise the health of the soils, decrease biodiversity, and ultimately reduce resilience to climatic shocks, among others (Druilhe and Barreiro-Hurle, 2012). Furthermore, over time, the reasons for implementing a subsidy – for economic development or to offset temporary difficulties – may need to be reassessed. Subsidies can become entrenched in the economics of an industry, making it politically challenging to remove them (Schrank, 2003).

Some subsidies support acquisition of technology. Many technological advances could benefit small-scale family farmers, by helping them to increase their yields or reduce the amount of labour, or both. Technology can also improve communication among producers, processors and buyers. For instance, technology can provide access to information that enables farmers to make more informed decisions regarding pricing, which can improve their position in negotiations and on markets. Technology also facilitates more direct transactions between farmers and buyers. For example, Sri Lanka has a virtual trading floor which connects farmers and traders via text (IFPRI, 2020). Another sector reliant on technological advances that has received ever-increasing attention is food e-commerce and the growing direct relationship between family farmers and consumers. One such example can be found in Chile, where online markets for family farmers have been established under the facilitation of the Chilean Agricultural Development Institute that aims to support family farmers and ensure that the population has access to safe and healthy food.⁸

Government policies can make technologies – including precision farming technologies such as drones and Global Positioning System (GPS) tools – more available and cost effective for farmers. For example, China's *Development Plan for Digital Agriculture and Rural Areas (2019-2025)* aims to improve internet access and stimulate e-commerce by investing in broadband technology and reducing tariffs. Already by 2018, 96 percent of villages were wired for optical fibre coverage, which increased national agricultural product network retail sales by 43.3 percent (FAO, 2020b). Governments can also provide training for farmers who may not be technologically able. This can facilitate smallholder adoption of technological innovations,

⁷ For more information on the FISP see Malawi Ministry of Agriculture, 2020.

⁸ For more information on this initiative, in Spanish, see Chile Ministry of Agriculture, 2021.

therefore connecting people but also empowering them to use such technology through sound training and support (Michalopoulos, 2017).

Box 3:
Paraguay
Law No. 6286 on the Defence, Restoration and Promotion of Peasant Family Farming

Paraguay's *Law No. 6286* outlines the ways in which the enforcement authority will promote family farming. The duties include implementing measures to ensure there are no energy shortages among family farmers, designing programmes to improve and increase equipment and property, prioritizing public and/or cooperative-type transportation services and introducing new communication technologies.

Importantly, the legislation further obligates the enforcement authority to plan extensively via real-time surveys and consultation with local leadership. These steps are crucial to ensuring local ownership of any project and promoting its long-term success.

Source: Law No. 6286, Paraguay, 2019.

To benefit from technological change, farmers must be able to obtain the inputs, which must be workable on small farms. Although internet access can be less common in rural areas in developing countries, 90 percent of family farmers have access to a mobile phone (FAO, 2020c). Government incentives to support technology solutions hosted on an SMS platform instead of broadband internet can facilitate access in rural areas, where the majority of family farmers live (FAO, 2017).

4.4. Public procurement

4.4.1. General programmes

Public procurement is a promising type of structured policy scheme that can benefit family farmers. Public procurement can have a considerable impact at national level when vast sums are allocated by governments to procure goods and services. The United Nations Environment Programme (UNEP) estimates that government procurement accounts for an average of 12 percent of gross domestic product (GDP) in developed countries and as much as 30 percent of GDP in some developing countries (UNEP, 2017). Unlike private parties, governments are also able to provide more certainty around market access and prices, which smooths participation by smallholders (Miranda, 2018).

Every year, institutional buyers – including schools, hospitals and care homes – procure vast amounts of food worth billions of United States dollars. Governments have designed programmes known as institutional food procurement programmes (IFPPs) to leverage this demand (Kelly and Swensson, 2017). When implemented successfully, IFPPs enable local and national governments to procure food for public institutions directly from small-scale and family farmers (FAO, 2020d). This not only helps family farmers generate more income, but also

reduces poverty in the wider community while it can promote correlated objectives such as favouring healthy diets and agroecological production.

Meanwhile, ensuring an enabling environment for this kind of public procurement requires several interrelated steps: (i) a public procurement policy that includes poverty reduction or food security goals; (ii) legislation that operationalizes adopted policies and institutional reforms; and (iii) a cross-sectoral platform which establishes clear institutional roles and facilitates collaboration (Kelly and Swensson, 2017). As such,

public food procurement initiatives need to be well coordinated, with agricultural interventions that aim to address key constraints in production, post-harvest management, processing and marketing. There is a need for interventions at the household level which expand access to productive assets, finance, skills and improved technologies. Strategies that address physical infrastructure constraints, for example, transport, storage and irrigation are also necessary (Miranda, 2018).

What is more, the success of IFPPs depends on clear institutional coordination, “from ministerial down to local level where food is procured and delivered” (Kelly and Swensson, 2017). Another crucial requirement is incorporating flexible public food procurement procedures into the policy and regulatory frameworks. Without such coordination and flexibility, public purchasing schemes can unintentionally benefit large businesses instead of family farmers.

In Colombia for instance, *Law 2046 of 2020* establishes conditions, instruments and mechanisms to ensure that all public procurement and distribution food programmes promote the participation of family farmers. Among its many features, it foresees specific norms for different ethnic groups that are aligned with their customs and traditions while it sets a requirement of at least 30 percent of the public amount to be geared towards purchasing food from local family farmers. Meanwhile, in Uruguay, the *Law 19.292 of 2014* sets a similar minimum of 30 percent for all centralized food purchases while it imposes a requirement of 100 percent for decentralized purchases from authorized organizations, with family farmers representing at least 70 percent of such organizations.

The public procurement model has seen success in many regions. The success of Brazil’s Zero Hunger program adopted in 2003, for example, inspired the subsequent development of the successful Purchase from Africans for Africa Programme in 2012. Around 5 500 small-scale family farmers participated in the programme, boosting the productivity of their farms by 115 percent. In Niger, the government created a 10 percent quota for local procurement from small farmers’ organizations to replenish the national cereal reserve (Kelly and Swensson, 2017).

Box 4:
Brazil
Public Purchasing Bidding Procedures

In Brazil, the complex bidding procedures required of smallholders to reach institutional markets were proving to be an obstacle to the goals of the programme, namely, integrating small farmers and rural entrepreneurs into formal agricultural value chains.

The traditional bidding was originally designed for formal enterprises. The absence of any specific reference to individual producers in public food procurement policy led to discussions on whether producers could effectively participate in public bidding processes.

This was improved through two policy changes. The first was to waive the complex bidding process for family farmers, rural entrepreneurs and their organizations. The second was to extend the selection criteria for suppliers beyond simply their prices, to ensure that public procurement would be used to contribute to broader public goals (Kelly and Swensson, 2017).

Brazil used public procurement policies to benefit family farmers in other ways. For example, the *Biodiesel Law of 2005* offers incentives to biodiesel producers when a minimum percentage of processed feedstock is sourced through smallholders, and when producers contract family farmers through farmers' associations or cooperatives and provide them with technical assistance and training. If producers meet the requirements, they acquire the Social Fuel Stamp, which allows them preferential access at the National Petroleum Agency biodiesel auction, lower tax rates and favourable financing conditions at the Brazilian National Development Bank.

Finally, Brazil used regulatory tools not directly regulating public purchasing to benefit family farmers. For example, legislation through *Decree No. 15.163 of 2014* made foodstuffs provided by family farmers to schools, tax exempt. This created an incentive for public bodies to purchase the food from local family farm suppliers. Legislation also contributed to increasing sustainable production, through the payment of premium prices for ecological produce, for instance.

Source: Kelly and Swensson, 2017; Biodiesel Law of 2005; and Decree No 15.163 of 2014.

4.4.2 School food and nutrition programmes

Sustainable public procurement (SPP) encourages national governments to explicitly take into account certain public policies, such as those that advance environmental or socioeconomic goals (UNEP, 2013). In a recent report, UNEP noted that 44 percent of the national governments responding to its survey prioritized "food and catering" when implementing SPP practices (UNEP, 2017). Using procurement to procure agricultural products for school feeding programmes is one way to operationalize this priority.

The benefits of using public procurement to support school food and nutrition programmes can be seen in countries across the globe. Such procurement has not only the potential to directly help family farmers with supplying their produce, but it can also have larger positive impacts on the local rural economy as well as the broader community. For example, farming families benefit from having a greater and more stable income, while the increased market opportunities for family farmers can promote economic growth and create jobs. The increase in family farmer incomes can also translate into greater investment in their farms, which can lead to a rise in production rates and incomes (Miranda, 2018).

In addition, if under the procurement programme the schools themselves carry out the local purchasing from family farms, the exchanges between schools and farmers can foster the interest of students in farms and farming and promote the involvement of youth in agriculture (Christensen *et al.*, 2019). The benefits to the school children themselves are numerous, because “food procurement can target better-quality and more nutritionally balanced meals, improving their nutritional status and encouraging healthier eating habits” (FAO and European Union, 2017). The food purchases can also improve nutrition by facilitating the supply of certain foods. In addition, several gender-specific benefits exist for girls, with studies finding that school meal programmes contribute to empowerment and gender equality by notably increasing the enrolment of girls, reducing dropout rates for adolescent girls, increasing graduation rates while reducing child marriages, among many other impacts (WFP, 2019).

A few countries have taken the lead on using public purchasing for school food programmes to support family farmers.⁹ For example, Guatemala’s *School Feeding Law of 2017* provides that schools must devote at least 50 percent of their budgets (increasing after five years to 70 percent) to buying products from family farms, so long as there is sufficient supply. Ecuador’s *Organic Law on School Feeding of 2020* is analogous, requiring that 35 percent of public purchases by decentralized school administrations go toward procuring products and services from peasant agriculture. More than 20 states in the United States of America have legislation supporting procurement of food from local farms for school feeding programmes. Honduras and Paraguay have also enacted legislation toward these ends, as have several countries in Africa (Kelly and Swensson, 2017).

Public procurement policies favouring acquisition of agricultural products from family farmers for school feeding programmes may need to be accompanied by other policy and legislative measures. For example, family farmers often need capacity building and training to participate in these kinds of procurement activities. Paraguay in its *Decree 3000 of 2015* requires farmers wishing to supply the government with agricultural products to participate in identified technical assistance programmes. Family farmers may also need to strengthen their capacity to increase production and productivity to meet the procurement demands (Kelly and Swensson, 2017). Compliance with higher food quality and safety standards can be a particular challenge. To address this, Brazil simplified the sanitary certification process to encourage family farmers to participate (Miranda, 2018).

Governments may also need to reduce fees and simplify procedures to facilitate smallholder participation in these schemes. Paraguay’s aforementioned Decree eliminated performance guarantees and other requirements to make it easier for smallholder farmers to join the school food procurement programme. By contrast, unaddressed hurdles faced by family farmers were identified in a number of school feeding programmes (Miranda, 2018), such as the Bolivian *Law on School Feeding of 2014* requiring smallholder farmers to have a registration number from the Ministry of Agriculture, a tax identification number as well as a bank account.

Despite their upsides, public procurement policies may need to be linked to other legislative and policy measures, such as subsidies for inputs, equipment or technology to improve family farmers’ productivity, while being underpinned by extension services focused on farming techniques (FAO, 2017).

⁹ For more information on the legislative component of school food and nutrition see Cruz, 2020 – .

4.5. Land

Family farmers require secure access to and control of land, water and natural resources whether within statutory or customary tenure systems (Boudreaux and Sacks, 2009). Land tenure consists of rules that define how tenure rights to land – including natural resources on and above the land – are allocated. Policies and legislation may affect one or more of three types of tenure rights: (1) use rights, or rights to use land for grazing, growing subsistence crops, etc.; (2) control rights, or rights to make decisions about how land should be used; and (3) transfer rights, or rights to sell or mortgage land, transmit to heirs and reallocate use and control rights (FAO, 2016a). All of these are important for family farms.

The governance of tenure determines who is able to acquire rights and duties to use and control land and other resources. Whereas good governance promotes sustainable development and encourages responsible investment, weak governance undermines social stability, erodes environmental protections and hampers rural economic growth (FAO, 2012a). Poverty and food insecurity for family farmers can persist because of weak tenure governance systems. It is therefore important to

ensure that policy, legal and organizational frameworks for tenure governance recognize and respect, in accordance with national laws, legitimate tenure rights including legitimate customary tenure rights that are not currently protected by law; and facilitate, promote and protect the exercise of tenure rights (FAO, 2012a).

Interventions to improve governance of tenure and safeguard property rights encourage small-scale family farmers to invest in land improvements. Land tenure and land rights are particularly important for youth, as the legislative and policy environments may facilitate or hamper the intergenerational transfer of land. Similarly, national legislation and policy provisions are important for gender equality. Sustainable Development Goal Target 5.a¹⁰ provides that countries should undertake reforms to give women access to ownership and control over land (FAO, 2018b). National laws, because of how they are constructed, might not give women equal access, control or rights to land and natural resources independent of their civil and marital status. To avoid this, Burkina Faso's *Decree 705 of 2012* on general specifications for family farms states in Article 2 that the head of a farming family household may be male or female. This prevents discrimination against a woman family farmer who is the head of the household.

To this end, FAO has developed a legal assessment tool to assess land tenure systems according to gender equality indicators. Among other objectives, the tool helps to evaluate countries' legislation to determine whether it eliminates gender-based discrimination (in the constitution and in rules on nationality), recognizes women's legal capacity, and guarantees gender equality in property rights and inheritance.¹¹

Legislation can also foster collective ownership and management of land and land resources, which can benefit family farmers. For example, Ecuador in 2016 adopted the *Organic Law of Rural Lands and Ancestral Territories of Ecuador* that guarantees the collective rights to land, with special attention to ancestral groups and Indigenous Peoples, as a means to ensure food

¹⁰ For information on the Sustainable Development Goals, see UN, 2020.

¹¹ Information on the legal assessment tool developed by FAO is available at <http://www.fao.org/gender-landrights-database/legislation-assessment-tool/en/>

sovereignty, increase productivity, foster a sustainable environment and guarantee legal security to right holders. In a similar vein, *Mongolia's Ministerial Resolution No. 114 on non-governmental entities* establishes a legal basis for Nuhurlul, local citizen groups, to exercise collective ownership rights over forestland. By legitimizing the Nuhurlul as non-government entities, the Mongolian government decentralizes its own power in order to allow such entities to utilize and protect parcels of forest land. Toward similar ends, in 2015, Guatemala adopted Resolution No. 3.37.2015 that authorizes family consumption of forest products. These types of legislative and regulatory measures are supportive of family farmers, as broadly defined to include foresters, because they facilitate rural dwellers, whether managing the forest or using forest products.

Land allotment schemes can also have positive effects on family farms, whereby the poor gain control or transfer rights over the same land for which they only had use rights previously. For example, decades of reform in Russia reduced the percentage of agricultural land controlled by corporate farms, from 97 percent in 1990 to 63 percent in 2013, while the number of household plots and peasant farms increased from 3 percent to 37 percent over approximately the same period. Such land redistribution programmes also observed in other parts of the world are sometimes accompanied by government-provided agricultural services such as extension and credit. However, even if a family farmer is given control or transfer rights, these rights are not necessarily secure (Sharma and Jha, 2016). Therefore, tenure security is crucial, whether enforced through legal settings such as courts and tribunals or by customary leaders (Shagaida and Lerman, 2015).

An option for national governments to strengthen land tenure security may be by enacting laws that decentralize land management. For instance, in Senegal, *Law No. 2004-16 of 2004* establishes rural institutions responsible for managing public lands and makes rural councils responsible for democratic land management. Meanwhile, the Paraguayan *Law No. 6286* on family farming specifically refers to land access and the formalization of rural property of peasant communities that carry out family farming.

Farmers who know their rights, and who have actual recourse if those rights are infringed, are better able to protect their rights than others who are less knowledgeable. Thus, laws and policies strengthening tenure rights are best coupled with extension services and knowledge sharing (IFAD, 2015). Family farmers can also benefit from government policies attempting to rectify inequitable land distribution in the country. For example, where for historical reasons certain categories of people own vast acreages of land while others do not, governments can formulate and adopt policies to transfer land from one category to another. Such redistributive land policies may be only one piece of larger government reforms that aim to protect tenure rights and land access for the most vulnerable, including family farmers, Indigenous Peoples and the displaced (McKay, 2017). As one UN study observed:

Rather than leaving land access and control to the whims of the market, land policies need to have a pro-poor design with participation from both the state and civil society in order to democratize land control and enable rural people to have an adequate standard of living free from impoverishment and injustices. (McKay, 2017)

If land policies are to have a beneficial impact on family farmers, they must not simply perpetuate existing inequalities.

Addressing land fragmentation through land consolidation is another policy that specifically benefits family farmers. Land consolidation intentionally reallocates parcels to reduce land fragmentation, which may have resulted from inheritance which subdivided larger properties (FAO, 2020e). Subdivision has caused average farm size to decrease in the developing world (Lowder, Scoet, and Raney, 2016). The *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT)* recommend that land consolidation be included in environmental and infrastructure projects. As the VGGT note,

where fragmentation of smallholder family farms and forests into many parcels increases production costs, States may consider land consolidation and land banks to improve the structure of those farms and forests (FAO, 2020e).

Finally, farm registration necessarily underpins many of the ways governments can support family farms and family farmers. Registration, among other benefits, helps keep family farmers informed of the help that may be available. In some countries, registration of family farms is only done upon the request of the farmer, like is specified in Hungary's *Decree No. 326 (XII. 30) of 2001*. Other countries may require family farmers to satisfy accreditation and/or registration requirements before accessing government services. However, this can hinder access to support such as extension services, explored in the next section.

4.6. Extension services

Extension and Advisory Services (EAS) refer to the different activities aimed at developing the technical, organizational and management skills and practices of farmers and rural actors (FAO, 2016b). Those services are essential for increasing productivity, promoting sustainable agricultural growth and alleviating poverty. Extension programmes can increase efficiency, production and the general standard of living on family farms. This is achieved through the dispatch of individual agents who work directly with farmers to teach skills such as those needed to operate unfamiliar farm equipment, to manage large projects or to efficiently allocate the use of farm resources. Unfortunately, in many parts of the world, extension services tend to lack the required resources and coordination needed to adequately ensure agricultural innovation in family farming.¹² Government policymakers seeking to support family farming should closely examine their EAS systems to ensure that the services address the issues of most concern to family farmers.

Where public funding or provision of extension is inadequate, other types of extension services may be called for. For example, privatizing specific advisory services can be helpful where public resources are scarce. In recent decades, many countries have introduced major changes to their national EAS by transitioning from centralized systems to an array of local solutions. As noted, "single main public extension systems have made way for pluralistic systems, where services are provided by different actors, including the private sector, non-governmental organizations and farmer organizations" (FAO, 2020f). For decision-makers, the transition from public to private requires recognizing and licensing for-profit or non-profit organizations and integrating them within the EAS network. In China, for example, professional forestry associations are legally recognized and registered in the Bureau of Civil Affairs. Family forest

¹² More information on FAO's work on EAS can be found at <http://www.fao.org/research-and-extension/en/>.

farmers pay membership fees in exchange for extension services centred on fire, theft, and pest and disease prevention (Wang, 2012).

FAO provides its Member Nations with advice and policy support to manage the design and implementation of an effective reform of national EAS. For example, FAO has developed and mainstreamed several guidance documents to make EAS a prime ally in closing the gender gap in agriculture (FAO, 2016c), while it has widely promoted and implemented farmer field schools as a modern adult education approach. FAO has also developed a series of “How to do” briefs with guidance for policymakers in a concrete, illustrative and user-friendly way.¹³

Box 5:

Peru

Law N° 30355 on the Promotion and Development of Family Farming

The main general guidelines for the promotion and development of family farming are to:

- A. Formalize the titling of the properties owned and managed by the producers included in family farming, which are granted by the competent entities.
- B. Prioritize the access of small farmers or drivers of family farming units to programmes to improve technical capacities and use of technology, as well as the use of information for the development of their production units.
- C. Promote projects for the effective access of families dedicated to family agriculture to basic water and sewage services, electrical energy, health, and education, to raise their quality of life.
- D. Promote the efficient and rational use of water resources and improve the access of family farmers to water infrastructure and technical irrigation programmes, as well as conservation and recovery of water sources.
- E. Manage and develop financing programmes, technical assistance for production and transformation, including farmer-to-farmer and similar modalities, and advice for the development of business plans and marketing of family farming products.
- F. Promote and stimulate the association and cooperativism of family farmers through capacity building programmes in technical and business management.
- G. Promote the participation of family farmers in local and international fairs, giving them priority in trade missions in which PROMPERU and the ministry of foreign trade and tourism participate to promote the countries' products.

Source: Article 6, Law N° 30355 on the Promotion and Development of Family Farming, Peru, 2015.

Government extension services for family farmers have tended to concentrate on providing advice on production issues, despite there being many other areas of learning that would benefit family farmers. For example, farmers may need help to develop local farmer organizations, and they may need information about prices, markets and availability of credit

¹³ More information on farmer field schools can be found at <http://www.fao.org/farmer-field-schools/home/en>.

and inputs. Farmers in some regions may need specific guidance on particular animal diseases or plant pests or on specific matters such as forest fire prevention methods (Wang, 2012).

Extension services may also include building the capacity of farmers on ways to optimize the diversity of species and genetic resources at their disposal while reducing the use of external inputs. As parts of the world face land and water scarcity, it can also focus on ways to increase productivity in a sustainable manner while contributing to the restoration of ecosystem functions and services. While extension services are insufficient by themselves to encourage and preserve family farming (Sattaka, Pattaratuma and Attawipakpaisan, 2017), it can nonetheless become a powerful tool when combined with other policy and legislative measures, such as access to inputs and financial services. To this end, Article 9 of the PARLATINO *Model Law on Family Farming of 2017* specifically mentions the need to develop specific programmes for “training, technical support, and affordable financing for production, transformation, conditioning, and marketing of the yield of family farming”. Several countries in Latin America and the Caribbean have also explicitly mentioned extension, advisory or similar services in their legislation, including Argentina’s *Law No. 5.474 of 2016*; Paraguay’s *Law No. 6286 of 2019*; Bolivian *Law No. 338 of 2013*; and Peru’s *Law No. 30355 of 2015*.

4.7. Financial services

Financial difficulties and indebtedness have in some regions caused farmers to lose their land, abandon farming altogether or even take their lives (FAO, 2016d). Without cash flow and access to financial services, many family farmers are unable to move beyond subsistence (Vorley, Del Pozo-Vergnes and Barnett, 2012). Farmers need capital assets or access to credit so as to fund investments to preserve their family farms, and they may also need credit to make investments in particular crops whose returns are in the longer term. They may need strategic reserves or access to insurance through social protection schemes to be able to absorb unexpected expenses, for example after an extreme weather event. Even a few seasons of unstable weather patterns, leading to fluctuating incomes year over year, can make the difference between staying in or abandoning family farming.

Large farms enjoy significant advantages over small farms in accessing credit, due to their ability to provide necessary information to banks and accumulate reputation through their commercial and institutional activities. Smaller family farms face considerable difficulties, while women farmers face even greater disadvantages than their male counterparts as they typically have less access to financial and social capital, market information and productive resources. A common problem for family farms is a lack of collateral, which can be affected by land tenure laws restricting transfer (FAO, 2016d).

Box 6:
United States of America
Anti-Corporate Farming Legislation

Family farmers operate on thin margins, so it is important that one accident or misstep does not permanently deprive a family of its farm and farming lifestyle. Facing difficulties, family farmers are often faced with having to produce more or sell their farms to the same corporations that pushed them out of the market.

Most economic policy such as commodity prices tend to favour corporate farm expansion. Anti-corporate farming laws aim to counter this trend and preserve family farms. As of 2004, nine states in the United States of America had anti-corporate farming statutes that restrict corporations from engaging in farming or agriculture production. The objective behind these laws is to prevent large businesses from dominating agricultural production. This is presumed to 'level the playing field' and give smaller family farms some market share. As a result, anti-corporate farming laws have been effective in limiting acreage under non-family corporate ownership, leaving more room for smaller family-owned farms in the market.

Source: Pittmann, 2004.

In some parts of the world, tax breaks for financial institutions have proven effective in increasing the supply of financial services to smallholders (Sustainable Food Lab and Business Fights Poverty, 2017). Close collaboration between the banking sector and governments is also crucial in designing innovative credit instruments for rural households. In the Russian Federation, under *Decree No. 1139 of 1993*, the Government and the Central Bank created a federal system of lending and insurance for farmers, involving agricultural banks, insurance companies and farmer organizations. In Paraguay, *Law No. 6286 of 2019* also discusses the characteristics of financing at length, setting up a system where family farmers can oscillate between direct subsidy, microcredit systems, revolving funds, public banking or bank credits at a subsidized rate.

Simple application procedures and scheduling of repayments in line with the income stream of a small-scale farmer can improve access to credit. For collateral, using membership in a farmer group as a guarantee, or allowing social collateral rather than material collateral, may be other alternatives (Vorley, Del Pozo-Vergnes and Barnett, 2012). Once these requirements are met, family farms may be eligible to access benefits such as guaranteed loans. A number of countries in Latin America, including Bolivia (Plurinational State of) and Peru, explicitly address financial services for family farmers in their legislation (*Law No. 338 of 2013* in Bolivia (Plurinational State of); and *Law No. 30355 of 2015* in Peru).

Considering that natural disasters continue to increase in frequency and impact, another financial service that can have a considerable consequence on family farming relates to insurances in the face of climate change. To give an idea, between 2003 and 2013, it is estimated that natural disasters affected 2.7 billion people, causing damages worth USD 1.3 trillion, with the agricultural sector absorbing 22 percent of the economic damages (FAO, 2014b). In Brazil, the approach has been manifold. In order to cover the majority of the operational costs of family farmers faced with climate-change related consequences, the Agriculture and Livestock Activity Guarantee Program (PROAGRO) was established in Brazil through *Law No. 5,969 of 1973* to protect farmers from rural loan obligations. This Law was expanded in 2006 through *Decree*

No. 5,996, the PROAGRO Mais for Producers part of the National Program for the Strengthening of Family Farming (PRONAF), which, among others, covers up to 80 percent of the expected gross income. One of the corresponding measures for PRONAF members is the Price Guarantee Program for family farmers that offers loans to protect against price reductions and cover production costs (FAO, 2016e).

Lastly, another consideration that ought to be at the forefront of decision-making in the sector is finding ways to close the gender gap in access to financial services, a situation where recent estimates found 1.1 billion women to be excluded from the formal financial system. The gap not only hampers women's empowerment but also hinders the broader inclusive economic growth as well as sustainable development (FAO, 2020g). In recent years, analyses of legal and regulatory frameworks across the globe have shown that about 90 percent of 173 countries examined had "at least one law impeding women's economic opportunities" (World Bank, 2015). As such, the adoption, amendment, implementation and enforcement of laws and regulations on relevant areas, such as asset ownership and women's financial inclusion, can have a consequential impact on addressing the gender gap in family farming (FAO, 2020g).

4.8. Tax policies

Tax laws and policies can have a significant effect on family farmers and their financial well-being in many parts of the world. Taxes affect farming decisions, which in turn influence commodity output. In the United States of America for instance, rural family farm households typically have a lower income than households in urban communities. Therefore, they can benefit from certain tax rules, such as allowing net operating losses to be carried over indefinitely (USDA, 2020a), or from cash bases of accounting for tax purposes, by only needing to report cash received offset by cash paid before year end (USA Department of the Treasury Internal Revenue Service, 2018).

However, in many countries, structures of tax incentives often favour large scale purchases and acquisitions, which may not be relevant for small family farms. For example, a tax refund could depend on a farmer's purchases, such as for agricultural machinery. Although such a purchase may theoretically be deductible from income, family farmers may not have sufficient income to benefit from this deduction. Therefore, such tax policies may not be as important as other policies in keeping small family farmers operational (Vorley, Cotula and Chan, 2012).

In Lithuania until 2009, all businesses in the agriculture sector were exempt from paying personal income tax. More recently, the government has focused on legislating to only support family farmers. For instance, land acquired in Lithuania to establish a new family farm is fully exempt from property tax for three years. This helps family farmers establish capital without the high tax costs of investment in agriculture (Polzin, Wolf and Black, 2018).

Capital gains tax, when valued in such a way that the gain is zero, also benefits family farms by encouraging farm succession and restructuring. For example, in Hungary, capital gains tax exemptions are conditional on farmland remaining in agricultural production, which incentivizes family farm descendants to continue to farm the land (OECD, 2019). Coupled with investment incentives to empower young farmers, this can make a difference in encouraging youth to remain in the agricultural sector.

Some governments establish a special tax regime for family farming households, exempting them from the complicated taxation rules that apply to corporations and other legal entities. In some federal systems, the central government allows regional governments to decrease tax rates for farms to zero. For instance, under the Russian federal law's *Tax Code of 2000*, the uniform agricultural tax rate is generally 6 percent. However, since 2019, some regions of the Russian Federation adopted laws to apply differentiated tax rates ranging from 0 to 6 percent for all or certain categories of agricultural taxpayers, depending on the types of agricultural products produced, the amount of income from the sales, the location and the average number of employees. As such, the tax rate from 2019 to 2021 is 0 percent in the Moscow Region (*Law No. 145/2018-OZ*), 3 percent in the Kemerovo Region (*Law No. 91-OZ*) and 5 percent in Sverdlovsk Region (*Law No. 114-OZ*).

4.9. Associations and cooperatives

Policies and legislation that are supportive of family farmers forming partnerships, alliances, associations or cooperatives can have a positive impact on family farming. Among other advantages, these types of entities and relationships allow farmers to aggregate their outputs, reduce transaction costs and share risks, which can improve their competitiveness. Such organizations also often provide advisory services and facilitate access to credit through multi-farm arrangements (IFPRI, 2020).

Organizations that represent groups of family farms can also strengthen the farmers' negotiating position. It can also improve family farmers' opportunities to access government services as well as their access to and position in markets. Organized farmers may also have an increased weight in contributing to policy change, notably by actively participating in policy-processes, linking local solutions to national and global goals. The range of potential services is broad and can go anywhere from access to information and training, to innovation and technologies, in addition to facilitating participation in decision-making processes, amongst many others (FAO, 2012b).

Individual family farmers may be at a comparative disadvantage when selling their agricultural products, having to overcome considerable constraints to compete in modern markets. As just one example, family farmers in remote areas may have high transportation costs, which may result in the private sector either not sourcing from them or needing high margins to cover its costs. On the flip side, the procuring firms may face dispersed and inconsistent supply, leading to high transaction costs that again depresses prices for the farmers (Rapsomanikis, 2015). Some perishable bulk commodities may require immediate processing after harvest, often on a large scale, which calls for contracting arrangements between farmer and buyer, while the buyer may be the only one with sufficient capital to purchase and run the processing facilities (Chigusiwa, 2013).

The promotion of cooperatives is an important category of legislative and regulatory measures for countries seeking to strengthen the enabling environment for family farming. Some laws, like China's *Trial measures of Gansu province of 2014*, can require local agencies in charge of registering family farms to encourage those farms to lead or participate in cooperatives, or they may provide funding to promote cooperatives, like in Brazil's *Law No. 13.865 of 2011*. Laws may also create a more favourable tax regime for family farmers through cooperatives, as with Peru's *Law No. 29.972 of 2012*, or they can allocate funding for research on cooperatives, like Brazil's *Law No. 10.984 of 2018*.

Meanwhile, several countries adopted special laws on agricultural cooperation that define the legal and economic basis for the establishment and operation of agricultural cooperatives. In those countries, an agricultural cooperative can be established in the form of an agricultural production cooperative or an agricultural consumer cooperative, which is a non-profit organization. Such cooperation does not mean collectivization because small farms retain their individuality and independence but conduct some economic operations. In Georgia, for example, the *Law on Agricultural Cooperatives of 2013* explicitly states that the law aims to develop family farms, cooperate them and increase their viability.

Governments wishing to encourage or strengthen cooperatives have a variety of tools at their disposal. First and foremost, legislation is needed to authorize the creation and operation of these types of groups. For example, the Bolivian *Law No. 338 of 2013* on family farming addresses farmer associations in detail, as does Paraguay's family farming *Law No. 6286 of 2019*. Legislative and policy measures must also support the financial stability of such associations as there can be, for instance, unexpected consequences of tax rules that can support or hollow out structures intended to benefit certain groups or types of organizations.

Notwithstanding the many potential benefits of cooperatives, the International Labour Organisation's *Guidelines for Cooperative Legislation* cautions that additional efforts are needed for states to remedy usual shortcomings and implement them successfully. A principal factor in the success of cooperatives is their autonomy, which is achieved through the principle of subsidiarity. In the context of cooperatives, this means that:

Only matters which surpass the competence of an individual cooperative, which are of a democratically defined public concern or involve third party interests may be regulated through public norms, while everything else must be left to be determined through [the cooperative's own] bylaws/statutes (Henrÿ, 2012).

**Box 7:
China
Forestry Cooperatives and Forest Farmers**

Forestry cooperatives have proven useful at addressing post-privatization problems faced in China, such as fragmented ownership and lack of resources. Cooperatives increase revenues for members by reducing individual supply and transaction costs through large-scale management and bulk purchasing at a lower price. They make training and services available to members, for example to assist in the development of forest management plans (Henrj, 2012). Furthermore, cooperatives improve farmers' abilities to share information, equipment and experience, and to access financial assistance and educational and training opportunities.

Forest farmer cooperative organizations (FFCOs) are diverse in purpose and structure. However, there are three general types of FFCOs:

1. Professional forestry associations: These are legally recognized and registered in the Bureau of Civil Affairs. They provide services and education to forestry farmers, but they do not participate directly in production or the operation of family forestry farms. Members pay membership fees in exchange for technical and information services, centred on important issues such as fire, theft, pest and disease prevention and management.
2. Shared-stock forest farms and cooperatives: This organizational model arose during the first wave of reforms in the early 1980s. Under this system, single family households work their own land, but they are under a unified operation and management system, which results in benefit and risk sharing.
3. Farmers' forestry professional cooperatives: This is the only type of forest farmer cooperative organization that is subject to special laws and regulations. Members are free to enter or quit these cooperatives freely, and profits are allocated according to the trading value of the cooperative. Professional cooperatives can grow to be complex, and they may provide members with services such as the purchase of production materials and inputs, sale of forestry products, processing of raw material, transportation and storage of products, and production and management technologies, and information (Wang, 2012).

Source: Henrj, 2012; and Wang, 2012.

Some policies and legislation specifically address contract farming and other business models as a way to adjust power imbalances between family farmer and contractor. Contract farming is defined as an agricultural production system carried out according to an agreement between a buyer (i.e. contractor) and a farmer (i.e. producer), with established conditions for the production and marketing of the farm product. This provides certainty for the future delivery and supply of the product.

Typically, a family farmer entering into a contract farming agreement would commit to producing and delivering agreed quantities of a specific agricultural product. Once the product meets the quality standards of the buyer, the family farmer supplies it at a time that the buyer determines. In turn, the buyer agrees to purchase the product at agreed pricing conditions, and agrees to support production by supplying inputs, preparing the land or providing technical advice (FAO, 2018c).

From the perspective of the purchaser, contract farming is a particular form of supply chain governance adopted by firms to secure access to agricultural products, raw materials

and supplies meeting their desired quality, quantity, location and timing specifications. This definition focuses on the coordination between the different parts of a supply chain, involving various participants and contract modalities (UNIDROIT, FAO and IFAD, 2015). From the perspective of the family farmer, in some instances, contract farming has the potential to provide capital-intensive or technology-rich resources the farmer would have difficulty accessing alone, while it can also result in a more steady income stream.

4.10. Trade and commercialization

Trade policies and legislation can help family farmers access new urban and international markets while reducing economic losses. Policies and regulations that improve public infrastructure can improve the competitiveness of family farmers by making provisions for better access to markets. Many family farms are located in rural areas, which often have unreliable roads and electricity infrastructures. Both farmers and buyers can benefit from legislative and policy measures that support infrastructure as they have the potential to minimize post-harvest food loss, decrease costs of transporting food and allow farmers to compete in more markets. Post-harvest losses in Africa average around 50 percent for fruit, potatoes and vegetables, twice that of developing countries as a whole. Without cold storage and related cold-chain facilities, farmers are often forced to sell their produce immediately after harvest, resulting in low prices. Other commodities go to waste through spoilage or pests (IFPRI, 2020).

Governments can invest in infrastructure like refrigeration and processing facilities to reduce losses and indirectly increase the demand for family farmers' agricultural products. Such facilities may cool, freeze, process, bottle or pack various agricultural products. When based in intermediate urban centres, such processing facilities promote market linkages between rural and urban areas and foster rural development (IFPRI, 2020). With available agroprocessing, buyers can more easily preserve food and thus seek larger quantities, which can benefit smallholder suppliers. Access to agroprocessing facilities can improve farm income, food security and job prospects (IDB Group, 2019). An example of how legislation can concretely include and facilitate these measures is Indonesia's *Law No. 7/2016 on the Protection and Empowerment of Fishermen, Fish Raisers and Salt Farmers* (Box 2). The provisions cover the "Guarantee of Business Certainty" and oblige the government to create conditions favourable to farmers. Among the many obligations listed, apart from developing a marketing system and an auction market, is to develop a cold chain system.

Sales through more sophisticated channels, such as supermarkets, require greater managerial and logistical skills on the part of family farmers. They also require farmers to provide continuity of supply, and meet demanding food safety and quality requirements, which may require specific infrastructure, such as for irrigation for instance. It can thus prove difficult for individual family farmers to supply supermarkets. Cooperatives, family farmer organizations and associations can therefore play a key role in this context through several actions, such as raising the awareness of family farmers on ways to meet established standards.

Box 8:
Thailand
Good Agricultural Practice system

In Thailand, the Government introduced the Good Agricultural Practice system to ensure that food crops are safe and meet high standards, while ensuring the safety of growers and minimizing adverse impacts on the environment. Farmers who apply for this certification are assessed on eight criteria: i) safety of water used; ii) site safety and sanitation; iii) use of agrochemicals; iv) product storage; v) data records; vi) pest-free products; vii) quality management; and viii) harvesting and post-harvesting handling. Those that fulfil the requirements can label their products with the Good Agricultural Practice logo. The certification brings significant benefits to farmers by increasing demand for their products. Still, the procedures and paperwork associated with obtaining the certification proved costly, time consuming and disproportionately burdensome to family farmers.

In response, the government introduced the Mobile Good Agricultural Practice Assessment System to allow farmers to apply for certification online, regardless of their location, and officers can make assessments instantly by using real-time information. Farmers can get their certification results immediately. If they do not meet the requirements, reports and recommendations are uploaded into the system after each farm assessment, and farmers can check them and use the recommendations to improve their farm practices to meet the certification requirements.

Source: FAO, 2015.

Family farmers wishing to participate in international trade must meet even more demanding quality and safety standards, which can be expensive. Additionally, farmers wishing to sell perishable products to export markets must meet complex logistics. Quantity, quality and food safety requirements and timing conditions tend to favour large-scale farms, which have the resources and facilities to pursue lucrative opportunities. Several countries in Latin America and the Caribbean, such as Argentina, Bolivia (Plurinational State of), and Paraguay, specifically target commercialization of agricultural products with their legislation (Argentina's *Law No. 5.474 of 2016*; Bolivian *Law No 338 of 2015*; and Paraguay's *Law No. 6286 of 2019*).

Price distortion and tariffs can also prevent family farmers from fairly competing in international markets. Subsidies which permit selling at or below production costs, combined with incentives for consumers to purchase products produced in their respective countries, are hurdles that can severely reduce demand for imports from countries with large family farming populations. Similarly, import tariffs on select agricultural exports tend to protect the importing country's producers, with such tariffs often imposed on agricultural exports from developing countries (FAO, 2003a). In such circumstances, family farmers have a hard time taking advantage of market opportunities afforded by international trade (FAO, 2003b).

4.11. Preserving the family farm

The next category of laws and policies can contribute to the sustainability of the family farm on two different levels. This category could contain most of the other laws and policies already discussed, as virtually all of them are intended to preserve the family farm and the economic survival of family farmers. For example, we have seen how financial and tax rules can have beneficial or detrimental effects on family farms. Similarly, land laws and policies can have tremendous impacts, negative or positive, on family farming. This next section does not

discuss those laws and policies already reviewed as it instead highlights some additional types of legislation specifically conducive to preserving the family farm.

Box 9:
Province of Manitoba, Canada
Family Farm Protection Act

In the province of Manitoba, Canada, the *Family Farm Protection Act of 2019* aims to preserve family farms that are vulnerable to economic hardship. The legislation implements protections for family farmers against actions that would deprive farmers of their ownership interests due to mortgages, encumbrances, security agreements or agreements for sale. The protection requires a government board to inquire into several factors regarding the equity of the proposed action before it can be taken. These safeguards support underlying policies to preserve family farms.

Among the objectives listed in 2(a)-(e) of the Act are: to protect farmers from loss during economic hardship; to preserve the agricultural land base in Manitoba during economic hardship; to ensure continued farming use and management of the land; preserve management skills of farmers during economic hardship; to preserve human resources for farmers during economic hardship; and to preserve the farming lifestyle in Manitoba communities.

It states in 8(1) of the Act, if someone is bringing or continuing an action or proceeding on the basis of “a mortgage, an encumbrance, a security agreement or an agreement for sale of farmland” that would deprive a farmer of ownership or possession of farmland which the farmer owns or purchased, they must first obtain a leave of court. It seems that before one can bring an action that would affect farmland ownership that is owned by a farmer, one must take a step back and go through a board inquiry process first that determines whether the action should go ahead. In doing so, under 5(2) of the Act, the board exercises discretion by making inquiries and conducting investigations and hearings “as it deems appropriate or necessary in order to address the issues giving rise to the application”.

The Manitoba Law adds a layer of judicial oversight on creditor actions that would deprive a family farm of their ownership or possession of farmland. In doing so, the law can support the generational sustainability of family farming by rendering it more difficult to dispossess a family of their farmland. Meanwhile, by adding an extra layer of protection to family farmers during an economic downturn can help counteract the negative impact these events have on gender equity and equality as decreases in the standard of living, accompanied by austerity measures that tighten financial lending, have a disproportionate impact on women and girls.

Source: Family Farm Protection Act (C.C.S.M. c. F15) of 2019; and UNAIDS, 2012.

4.11.1. Diversifying farm income

The objective of laws and policies geared towards family farmers accessing other sources of income is to ultimately improve their livelihoods. Nonetheless, acquiring other sources of income should be complementary to the operation of the family farm itself, otherwise it may prove difficult for the family farmer to manage the farm and the other income source.

One innovative way to diversify income without harming the operation of the family farm is through tourism. As is the case in Brazil, laws may advance this objective by defining tourist activities to include, for example, marketing of artisanal food products from family farms,

demonstration of production practices employed on family farms, and visits to farms to learn about agroecology and lodging on or near family farms (*Law No. 10.612 of 2017*). In Italy, *Law No. 96 of 2006* authorizes agritourism at national level, whereby working farms can provide lodging and activities for tourists while selling agricultural products. An extensive suite of policies provides financial support, subsidies and tax breaks to support farms engaged in agritourism throughout Italy. Similar laws exist across Europe.

Food or marketing legislation can also permit family farmers to label some food as artisanal food, which can be marketed to tourists visiting family farming regions. Guinea, for example, enacted a legislation *Order A/2013/2226* in 2013 to support artisanal production across a variety of sectors. Related policies may support specialized production for family farmers (regional products, organic products or socially responsible products), or the preservation of traditional products and practices.

Other types of legislation and policies that help family farmers earn additional income include those helping generate markets for new products, goods and services provided by family farmers, which can create employment opportunities. For example, one of the principal objectives of Costa Rica's *Sectoral Plan for Family Farming 2011–2014* was to increase the number of family units producing agricultural commodities for alternative markets. Another objective of the Costa Rica Plan was to promote credit conditions appropriate for family farming agro-entrepreneurs, which is particularly important to incentivize younger generations. Similarly, many states in Brazil have implemented legislation to encourage the production, processing and sale of artisanal edible products of animal and vegetable origins, such as, the *Law of the State of Pará of 2011*.

Whereas the previous policy and legislative tools were directed at the family farm, others may facilitate family farmers finding off-farm income-generating activities. These can represent considerable sources of income for smallholders in many countries, especially true for landless, subsistence farmers, who may struggle to fulfil basic needs for livelihood (Rapsomanikis, 2015). Off-farm incomes can notably include self-employment outside agriculture, commercial activities and remittances. Nonetheless, many of the financial legislation and policies reviewed in the previous sections can decrease family farmers' reliance on off-farm income by increasing their levels of autonomy and sustainability.

4.11.2. Agroecology and sustainable agricultural practices

Legal and policy frameworks directed to support agroecology and other sustainable agricultural models, by promoting conservation of natural resources and the use of environmentally sound practices, are essential if farmers are to continue farming the land in the future. Woven within everything that family farmers do is their relationship with the land. Without the land and a healthy climate, family farming (or any type of farming) is not possible.

Agroecological approaches can play an important role in achieving the SDGs, by improving the livelihood of family farmers and their communities, recognizing the rights of women and youth, shortening the value chain, enhancing the nutritional value of their products, contributing to healthy diets, promoting innovation and knowledge exchange, while building resilience to climate change through the transition to more sustainable food systems that enhance food security and nutrition (FAO, 2019b). For this reason, the multisectorality and holistic nature of government agricultural sector policies promoting agroecology and sustainable agricultural

practices support family farming by notably putting farmers at the centre, providing them with the tools to make informed decisions in a participatory manner. Governments may implement these through a variety of legislative and policy measures that include subsidies, extension services and capacity building, public procurement, market creation, and financial or tax incentives. For example, France's Ministry of Agriculture in 2013 developed a national operational plan for an agroecological transition, which was implemented via the country's 2014 agricultural *Law No. 2014-1170*. The Law "tackles the economic, environmental, and social challenges faced by French agriculture" and embraces a system-wide agroecological approach (Gonzalez, Thomas and Chang, 2018).

Box 10:

Colombia

Resolution No. 464 – "Strategic Guidelines of Public Policy for Family, Peasant, and Community Farming and other provisions are issued"

The Strategic Guidelines of Public Policy for Family, Peasants and Community Farming (ACFC) is a national public policy instrument that aims to strengthen the social, economic and political capacities of families, communities and organizations, through rural development with a territorial approach that improves the sustainability of agricultural production and improves the livelihoods of the rural population.

Based on the development of actions built around 10 axes, including sustainable production systems, short marketing circuits and non-agricultural diversification, ACFC seeks to help eliminate hunger, food insecurity and malnutrition. In this context, it promotes food sovereignty, understood as guaranteeing the right to healthy and nutritious food for the entire population, and respecting its cultures and the diversity of the productive, marketing and management systems of rural areas.

ACFC strives to make agriculture more productive and sustainable. Agroecological practices are promoted in areas of special environmental significance. Within the sustainable use of natural resources, special attention is given to the development of rural tourism while the reduction of rural poverty is another of its objectives.

Among its many features, ACFC strives to address gender inequalities, including through strengthening and capitalizing credit lines for low-income rural women. It further aims to involve rural youth through outreach and capacity development, including rural education.

Lastly, in order to monitor its impact, an Inter-institutional Committee for the implementation, monitoring and evaluation of the Guidelines was created with the participation of different sectors.

Source: Resolution No. 464 "Strategic guidelines of public policy for Family, Peasant, and Community Farming and other provisions are issued", Colombia, 2017.

4.12. Socio-cultural considerations

For many family farmers in rural communities, the absence of educational opportunities may affect their ability to remain and thrive on family farms. Illiteracy or limited literacy can affect farmers' safety applying fertilizers or pesticides, impede their ability to access pricing research to be competitive in the marketplace and prevent them from taking advantage of new technologies (FAO, 2004).

Policies that ensure family farmers have access to social protection is one of the elements that can make the difference between a family staying on the farm or abandoning it. The same applies to small-scale fishers and other family farming constituencies. Sound and efficient legislation and programmes have the potential to ensure formal and informal education, sanitation, health services or retirement benefits for instance. When introducing such measures, a number of elements ought to be taken into account, such as gender considerations for example to diminish the likelihood of discriminatory results and practices.

Some countries have laws and programmes on food security and nutrition focusing on a national level, a particular geographical region or a particular segment of the population, such as family farmers who are known in some parts of the world to be “systematically subject to emergency or public calamity” (*Decree No. 4.962 of 2004* in Brazil). In the United States of America, the Farmers Market Nutrition Program (FMNP), which has been in existence since 1992, provides coupons to vulnerable persons receiving federal food assistance to enable them to buy locally grown produce from farmers’ markets (USDA, 2020b).

Box 11:
State of Kerala, India
The Kerala Fishermen Welfare Societies Act, 1980

The Kerala Fishermen Welfare Societies Act of 1980 provides for the establishment of fishers’ welfare societies for each fisheries village declared to be so by the Government. The purpose of fishers’ welfare societies is to develop the economic, social and cultural life of the fisher community and to end exploitation of fishers by money lenders. The Act defines the internal organization of fishers’ welfare societies and specifies their duties and functions, which include to: take measures to make available fishing gear to its members at reasonable costs; advance loans to its members; provide facilities for the storage, processing and marketing of marine products; and evolve and implement schemes for the welfare of residents of fisheries villages. The Act further provides for the establishment of committees for every society and for their internal organization, the constitution of a Fisheries Village Society’s Fund for each society, as well as the supervision and inspection of societies, among others.

Source: The Kerala Fishermen Welfare Societies Act, India, 1980.

4.12.1. Youth

Promoting innovative ways to engage youth in agriculture is paramount, and when doing so, paying special attention to gender considerations, with rural girls often more disadvantaged than rural boys, can make a lasting positive impact in reducing gender inequalities. As societies become more urbanized, many young people flock to urban city centres to look for work, leaving behind rural communities where family farming is central to the societal economic structure. Promoting innovative ways to engage youth in agriculture is also critical to ensuring that the knowledge and benefits of family farming do not go to waste – from its contribution to eradicating hunger and malnutrition, to its key role in reducing poverty and ensuring a dignified life to everybody and much more.

To encourage youth to remain in or pursue family farming, laws and policies must be conducive to making family farming an economically viable choice, for youth. Many of the laws and

policies reviewed in the previous section can support family farming in general, and specifically can promote youth involvement in family farming. Two primary areas of concern for youth inclusion are, first, digital literacy, and second, ability to own land (FAO, 2018d).

Youth in agriculture can fill an important technological and communications gap. Technology is a constant driver of change, and agricultural technology is no different. Technology can include both on-farm and off-farm systems. Youth are particularly well suited to be drivers of change on their family farms as regard to new farming technologies such as cloud computing, soil sensors, space saving greenhouses, productivity models, drones, vertical farming innovations and other farming technologies. However, access to these technologies, and adequate training and troubleshooting for new technology, remain a barrier for entry in many rural areas.

A recent study on youth in agricultural sectors determined that setting up technology centres in rural farming communities is one of the best ways not only to spread awareness about new farming technology, but also to assist in training and setting up what becomes almost agricultural technology think tanks (FAO, 2018d). Similarly, the African Development Bank launched a Coding for Employment Program in Côte d'Ivoire, Kenya, Nigeria, Rwanda and Senegal, in partnership with Microsoft, the Rockefeller Foundation and Facebook (The Rockefeller Foundation, 2018). The Program serves as an example of how to create jobs for youth in agriculture by establishing technology centres. Still, youth need land on which to use these new technologies, and there are several constraints facing the younger generation.

High land costs mean that often young people cannot afford to buy enough land to create gainful employment through farming. Instead, they lease land that is not their own or they work on a fractional portion of the family farm they inherited. In both scenarios, young people generally have insufficient land to produce products to sustain their lives (The Geographical Journal, 2005).

Meanwhile, cost barriers related to farmland inflation rates often prove to be adversely impacting young family farmers, with farmland inflation rates increasing considerably over past years, such as in the United States of America where it has increased by 150 percent between 2004 and 2018 (Weingarten, 2019). Also, laws that restrict inheritance of land to certain family members and primogeniture tradition may also act as a barrier to entry to many youths. Legislative and policy changes to facilitate more advantageous land inheritance can represent an incentive for youths to remain on the family farm, where studies have shown cases, such as in Ethiopia, where larger expected land inheritances correlated with lowering the likelihood of youth migration out of rural areas for jobs in other sectors (Kosec *et al.*, 2016).

4.12.2. Women

As one of the most widely ratified instruments of international human rights law, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) guarantees a number of additional rights for women, including specifically for rural women. Considering that State Parties to the CEDAW have an obligation to take steps towards ensuring the rights guaranteed therein and report on their actions before the Committee, guidelines were issued by FAO to accompany its Members through concrete actions towards gender-sensitive agriculture and rural development decision-making (FAO, 2013b).

Like youth, women are often adversely affected by many countries' inheritance laws (*OHCHR and UN Women, 2013*), and even when statutes are amended, customary laws and practices may constrain women's inheritance rights (Abdulwahid, 2006). Even in countries with strong legal provisions on equality, their implementation may prove arduous due to several factors, including social biases. Nepal is one of many countries that took action through an amendment to the *Muluki Ain (General Code)* in 2018 to repeal or amend Code sections pertaining to gender equality. Prior to this Eleventh Amendment to the General Code, women in Nepal could not inherit land from their parents. Now, unmarried daughters, along with sons, can inherit land (Chapter 16 on Inheritance). Although the amendment still renders women's inheritance dependent on marital status, it nonetheless takes an important step towards advancing gender equality in Nepal.

Women family farmers, regardless of geographical region, generally have less access than men to resources and to opportunities. As we have seen in the previous sections, this "gender gap" affects access to land, and extension and financial services, which "imposes costs on the agriculture sector, the broader economy and society as well as on women themselves" (FAO, 2011b).

Sustainable Development Goal 5A encourages legislatures to

undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws (UN, 2020).

The VGGT specifically note the importance of gender equality and the role of women in implementing responsible governance in land tenure (FAO, 2012a).

Other types of legislation and policies can create opportunities for women to remain in or pursue family farming. For example, Rwanda's *Strategic Plan for Agriculture Transformation (2018–2024) of 2018* includes interventions to build women's entrepreneurial skills through training in leadership, management and farming as a business, mentoring on agribusiness incubation and providing business development support to enable women to access suitable financial products.

Meanwhile, many women need childcare in order to participate fully in family farming and in cooperatives, associations and farmer organizations. In Ghana and Cameroon, banana producers have added childcare services to their facilities (Cooper, 2015). To this end, the *Transforming our world: the 2030 Agenda for Sustainable Development* highlights the need for shared domestic responsibilities and government assistance in childcare (FAO and CARE, 2019).

Box 12:
India
Mahatma Gandhi National Rural Employment Guarantee Act

With 128.5 million registered households across 685 districts, India's *Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA)* is the largest public employment programme in the world. It supports employment in poor rural households by providing a guarantee of up to 100 days of work per year. What is more, MGNREGA explicitly establishes a number of gender-sensitive components.

The Act requires that more than one-third of participants should be women, and currently the programme has a female workforce of roughly 57 percent. Among other requirements, MGNREGA mandates that childcare facilities be provided at the worksites if there are more than six children of women workers. The programme also provides that men and women workers must receive equal wages.ⁱ

Notes:

i) More information on the MGNREGA programme can be found at https://www.nrega.nic.in/netnrega/mgnrega_new/Nrega_home.aspx

Source: Mahatma Gandhi National Rural Employment Guarantee Act, India, 2005.

Given their primary role in many animal husbandry and farming activities on family farms, women and girls may gain particular benefits from agricultural education. However, they may be ill-equipped to acquire it because they may not have had access to primary education. As a result, long-term efforts must first be made to improve access to schooling and literacy for women (FAO, 2020h).

Social constraints may also limit women's ability to participate in educational activities, for example where village leaders restrict women's participation or where extension agents do not consider women's other household obligations when scheduling educational activities. Policies that support girls and women during schooling can encourage them to continue their education. Career counselling can promote agricultural studies. Additionally, supplementing classroom education with on-the-ground learning experiences can also encourage interest in agriculture.

4.12.3. Older generations

To facilitate generational turnover in agriculture and mindful of some of the relevant gender inequalities aforementioned, laws, policies and programmes must provide older farmers with the necessary measures and social protection services supporting their retirement from farming and allowing them to live with security and dignity. Serbia's *Law on Pension and Disability Insurance of 2003* grants mandatory pensions and disability to insured farmers who are members of agricultural households. The Bolivian family farming *Law No. 338 of 2013* implemented a broad universal agricultural insurance scheme, specifically targeted at family farmers, given their contribution to food sovereignty and important role in providing food for the population.

Egypt's *Constitution of 2014* specifically refers to the eligibility of small-scale farmers and landless peasants for pensions. Section 17 of the Constitution provides that "the state shall

endeavour to provide a suitable pension for small-scale farmers, farm workers, fishermen and unorganized workers in accordance with the law.” In light of this constitutional provision, a bill has been drafted on the retirement of farmers, disability insurance and death, with farmers working on less than three feddans being fully entitled to this legal provision whose funding is provided by the farmers, the state, Agricultural Cooperative Unions and agricultural associations (FAO, 2016d).

4.13. Emergencies

Legislation provides for emergency mechanisms for effective action, special procedures for budget allocation, powers and responsibilities to monitor, control and regulate the supply of commodities to ensure food availability, special measures to protect the rights of the most vulnerable against loss of income and possible food shortages, and complaint and law enforcement mechanisms to address grievances and sanction unlawful conduct (FAO, 2020i).

Emergencies tend to have a substantial detrimental impact on different facets of family farming. Whether from natural disasters or human-made emergencies, family farmers’ livelihoods bear the bulk of that impact. The COVID-19 pandemic is no exception and has exacerbated several issues that can be very informative for future emergencies in order to render food systems more resilient and sustainable. From regulatory measures to impose movement restrictions and closure of open markets to changes in consumer behaviour, those are only a handful of factors that have a notable impact on family farmers and will be briefly discussed hereafter.

Movement restrictions can have a multitude of negative consequences on family farming. To mitigate negative consequences such as those hindering smallholder producers’ ability to reach markets, safe trade corridors along market chains have been established, with, for example, faster or special checking for vehicles transporting animal products and inputs as a means to alleviate loss in quality or damage to perishable products as well as the accumulation of non-perishable products (FAO, 2020d). Government funds to ensure supply and logistics, assistance from e-commerce companies to facilitate supply and marketing, and centralized distribution points in rural areas, have also been employed to mitigate access-to-market issues. In addition, legislative measures that promote flexibility in the licensing requirements for direct sales, e-commerce and food transportation, can also contribute to these small-scale producers finding alternative market opportunities, as do reducing regulatory restrictions to facilitate local food purchases while ensuring food safety (FAO, 2020j). Given the impact of movement restrictions on family farmers, recent regulatory frameworks on family farming have specifically tried to address the issue, such as the Andean Parliament’s new *Regulatory Framework to Promote and Strengthen the Peasant Economy and Family Farming of 2020* that explicitly addresses the challenges of the COVID-19 pandemic.

Public procurement and distribution policies can also mitigate changes in demand and consumer behaviour due to the closure of schools and other public places in response to the COVID-19 pandemic. Where changes in consumer behaviour towards more staple and long shelf-life foods have caused a shift towards e-commerce, public procurement has been mobilized to mitigate the markets’ falls in prices (FAO, 2020d). In response to the closure of schools and other public places, a number of governments have initiated public procurement and direct delivery services, as well as the continuation of school meals during closures (FAO, 2020d). By facilitating a focus from institutional procurement on local purchases of food,

including for food banks or other humanitarian food programmes in addition to school feeding, it can help smallholders to continue selling their products, while providing food to those who need it most (FAO, 2020i).

Travel restrictions have also created risks of shortages of agricultural labour among migrant seasonal workers. In Italy, for example, 27 percent of the agricultural work force are migrant seasonal workers (Martin, 2016). Governments have responded by maintaining agriculture on the list of essential services in order to ensure continuity of production, and by extending residence permits for non-citizens already living in the country so that they may perform agricultural work (FAO, 2020d).

Family farms and smallholder producers have faced even more severe financial challenges due to value chain disruptions caused by the COVID-19 pandemic. In response, governments have adopted financial support measures. These include short-term stimulus packages, guarantee schemes for loans for family farms, direct public lending, quotas for financial institutions for lending to family farmer and smallholders and grants, subsidized loans and tax incentives (FAO, 2020d).

Finally, to facilitate food supply chains in times of emergencies from a regulatory standpoint, it is vital that activities related to the production, processing and distribution of food, including the production and distribution of inputs as well as the provision of support services, be included in the definition of what represent economic activities deemed essentials (FAO, 2020j). Meanwhile, additional measures targeted at family farmers and smallholders, such as the postponement of rural credit payments and the creation of new credit lines as well as the promotion of local procurement, combined with social protection measures that guarantee access to adequate and healthy food, can help mitigate the negative impact on their livelihoods and support family farming into the future. In essence, regulatory measures in times of emergency should still be adopted mindful of potential unintended consequences on the availability, physical and economic accessibility, and utilization and stability of food (FAO, 2020i).

5. Conclusions and recommendations

The *United Nations Decade of Family Farming 2019-2028* aims to integrate the three dimensions of sustainable development – economic growth, social inclusion and environmental protection. Family farmers produce most of the world's food, preserve biodiversity, manage natural resources and ecosystems, and nurture and share traditional knowledge while adding economic value and fostering inclusive economic growth. Family farmers have a unique capacity to redress the failure of a world food system that, while producing enough food for all, still wastes one-third of the food produced and sees 690 million people suffer from hunger and 750 million people exposed to severe levels of food insecurity. These issues underscore the immense challenge of achieving the Zero Hunger target by 2030 as current trends point towards 840 million people affected by hunger in 2030 (FAO, IFAD, UNICEF, WFP and WHO, 2020).

This paper has explored laws, regulations, policies and programmes that address the significant economic, environmental and social constraints faced by family farmers and their communities. Public measures must include a broad spectrum of considerations as described in the paper, while those measures ought to be tailored to the specific needs of a particular region or group.

This paper aimed to offer a snapshot to decision-makers of some of the types of legislative and policy measures that affect family farmers with a view to help them design context-specific interventions taking into account the characteristics of family farms in their specific jurisdiction.

Each country has a range of possible options when drafting laws and developing policies around family farming. This paper does not provide prescriptions for regulating family farming but instead, it offers ways for policymakers and lawmakers to analyse their legislative instruments in order to determine how existing legislation may or may not support family farming and to identify which areas may need refinement. By selecting and examining legislation from a variety of geographical regions and countries of differing socioeconomic realities, this paper provides elements to decision-makers seeking to encourage family farming in their efforts to achieve the SDGs and corresponding national objectives.

While recommendations are found throughout the paper, some of the overarching suggestions include:

1. A clear legal definition of family farming is essential – whether it be broader or more operational – that would render decision-making and ensuing legislative and policy measures to be better targeted. To this end, mechanisms or tools that allow for the identification of family farmers, such as registries, can be valuable for targeted measures.
2. Governments should establish an inclusive and coordinated approach that spans from local administrations to the national government. There are situations where well-meaning initiatives may not tangibly affect the target beneficiaries. The law or programme may need adjustment to work as intended, but decision-makers at national level may not be familiar enough with the on-the-ground situation to make these determinations. In addition to the active and informed participation of family farmers or their representatives throughout the process, it is crucial to be mindful of

women's representation, and seek socioeconomic and cultural inputs from local observers and decision-makers when developing, implementing and monitoring family farming laws or policies. Coordinated and integrated cross-sectoral action is essential to ensure that policies and laws have their desired impacts when implemented and that any unintended consequences are identified and promptly addressed.

3. It is critical for public procurement programmes to explicitly target family farmers. Particularly in efforts to influence the behaviour of market actors, legislation needs to contain specific provisions to drive the desired outcomes. As seen in some bidding processes, large corporations were benefiting more than small-scale family farmers. Only when policymakers specifically set out to simplify registration processes did family farmers finally derive benefits from the programme.
4. Whenever possible, governments should eliminate or reduce fees for family farmers, given their limited cash reserves.
5. Decision-makers should assess existing laws, policies and programmes using a more inclusive lens. Several examples from this paper show that governments can make great strides to improve the lives of family farmers by amending existing laws rather than drafting new legislation.
6. Governments should exercise the principle of subsidiarity when legislating on family farming matters. Subsidiarity is a recurrent theme throughout many of the legislative examples featured in this paper, and it means that social and political issues should be addressed at the most immediate level.

FAO invites researchers, practitioners and decision-makers to reflect on the examples and recommendations highlighted in the paper, and to draw their own conclusions based on their respective national needs, resources and plans. This paper therefore seeks to promote further reflection around its categories and recommendations in order to improve the understanding and fully seize the importance of legislation in anchoring the prominent role family farming can play in achieving the SDGs in years to come.

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Guided by the Global Action Plan of the United Nations Decade of Family Farming 2019-2028, this Legal Paper looks into ways that legislation can best support policy processes aimed at advancing family farming's contribution to the attainment of the Sustainable Development Goals.

The Legal Paper aims to present some of the laws and regulations relevant to family farming to determine the features that can most positively benefit family farmers while providing information and experiences from different parts of the globe for decision-makers and practitioners. The objective not being to provide prescriptions for how to regulate family farming, but rather to present different options to decision-makers, thereby facilitating their appreciation of the complexity of existing legislative and regulatory frameworks that underpin family farming and empowering them for the design of supportive approaches best suited to their respective national context.

With the multisectorality of family farming at its core and mindful of family farmers' overwhelming contribution to nutritiously and sustainably feed the world, this Legal Paper analyses legislative processes in 12 different areas that are conducive to the agri-food systems transformation for a better production, better environment, better nutrition and better life for all, leaving no one behind.