



LEGISLATING TO PROMOTE FAMILY FARMING IN LATIN AMERICA AND THE CARIBBEAN

“Family farming offers a unique opportunity to ensure food security, improve livelihoods, better manage natural resources, protect the environment and achieve sustainable development, particularly in rural areas.”

Introduction to the United Nations Decade of Family Farming, FAO.

BACKGROUND

Family farming produces more than 80 percent of the world’s food, and it occupies between 70 percent and 80 percent of farmland worldwide (FAO, 2014b). Similarly, small-scale fisheries contribute two-thirds of the fish destined for direct human consumption (FAO, 2018b). In Latin America and the Caribbean, family farming encompasses around 60 million people, whose activities account for 75 percent of all productive units in the region (ECLAC, FAO, IICA, 2013).

In recognition of the importance of family farming, the United Nations General Assembly proclaimed 2019–2028 the **United Nations Decade of Family Farming** (hereafter “UNDF”). This provides a framework of reference that seeks to empower family farmers as key actors for achieving the Sustainable Development Goals (SDGs), contributing to a world free of hunger and poverty, where natural resources are managed sustainably and where no one is left behind (FAO and IFAD, 2019).

The work of parliamentarians is essential for implementing the UNDF’s pillars, in particular, developing an enabling policy environment (Pillar 1). In 2020, the World Rural

Forum and the **Parliamentary Front Against Hunger in Latin America and the Caribbean** (PFH LAC)¹ – supported by FAO, the Spanish Cooperation and the Mexican Agency for International Development Cooperation (AMEXCID) – signed an agreement to bring forward legislation to implement the UNDF. Similarly, in 2021, the parliaments of Ibero-America submitted a proposal to the United Nations Secretary General, during the 2021 Food Systems Summit. The proposal recommended the promotion of family farming laws to achieve SDG 2 – Zero Hunger and the transformation of food systems².

¹ The Parliamentary Fronts against Hunger in Latin America and the Caribbean are a network of more than 400 legislators from different political parties, who are promoting the **Hunger-Free Latin America and the Caribbean 2025 Initiative** on the public agenda, in coordination with other actors. The PFH LAC have been promoted and technically supported by FAO (which provides the corresponding technical secretariat), together with the Spanish Cooperation,

² The proposal can be downloaded at <http://parlamentarioscontraelhambre.org/cumbre-de-los-sistemasalimentarios-2021> (only in Spanish)



WHAT IS FAMILY FARMING?

Family farming encompasses various typologies of agricultural activities centered on the family. There is no agreed definition while international and regional bodies as well as national legislations in the region define family farming differently (Grisa and Sabourin, 2019).

On 2014 **International Year of Family Farming**, the International Steering Committee developed the following working concept, which the **UNDF** also adopted:

“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 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.”³

Despite the differences, it is possible to identify a number of common elements among the different concepts, such as: family labour predominates on the farms; the head of household manages the economic-productive unit; the gross income of family farmers comes mainly from agricultural production; and they live on or near the farm (Sabourin, Samper and Sotomayor, 2014)⁴.

The aforementioned elements help to clarify the concept of family farming. However, when countries adopt a definition, it must be tailored to fit their specific characteristics and reality.

IMPORTANCE AND CHARACTERISTICS OF FAMILY FARMING

Family farming is essential for food and nutrition security, the transformation of agrifood systems and the fulfilment of the right to adequate food. In particular, family farmers:

³ In addition, it is worth mentioning the definitions contained in the *Model Law on Family Farming of the Latin American and Caribbean Parliament (PARLATINO)* and in the *Framework Law to Promote and Strengthen the Peasant Economy and Family Farming in the Andean Region of the Andean Parliament*.

⁴ There is ongoing discussion on whether other elements should be included in the definition of family farming, such as the land area of the farm, and access to assets or technologies. In most cases, these variables are defined at the time of setting up registers or characterizations of family farms, with size limits that vary according to the country, type of activity, geographical region, etc. There is also disagreement regarding the application of limits on income or resources to define family farming, since these may restrict productive potential and are more closely related to social policies than to those pertaining to the agricultural sector.

- Produce food that meets the food requirements of the world's growing population.
- Contribute to building agrifood systems that are resilient to climate change, through their knowledge, customs and cultural traditions in the sustainable management of natural resources and ecosystems, passed on from generation to generation.
- Contribute to energizing agrifood systems and to the economic revitalization of rural areas. Trade of their products generates local economic circuits and networks with urban environments.

Despite the importance of family farming, 80 percent of people who face extreme poverty live in rural areas, where poverty rates are three times higher than in urban areas (FAO, 2021).

Major inequalities also exist within rural populations. For this reason, the analysis of the characteristics and dynamics of family farming must address the needs and capacity of each of its members.

Rural women represent 43 percent of the agricultural workforce and produce between 60 and 80 percent of food in developing countries. Nonetheless, they face situations of poverty and income inequality, lack of access to physical and financial assets, problems of employability and inequality in the use of time, and a heavy burden of unpaid work (FAO, 2018b).

Moreover, 80 percent of the planet's biodiversity is located in Indigenous Peoples' lands and territories (FAO, 2021). This situation is not fortuitous, but the result of the ecological practices that Indigenous Peoples have sustained for centuries. They produce diverse foods with minimal ecosystems' intervention and using endogenous inputs.

Family farming population in Latin America and the Caribbean is aging as young people migrate to cities in response to challenges such as insufficient access to information and education, land, financial services, green jobs, markets and participation in policy dialogue (FAO, 2014c). Moreover, many elders living in rural areas are not covered by social security systems. Therefore, it is important to consider the needs of all age groups.

INTERNATIONAL AND REGIONAL LEGAL FRAMEWORK OF FAMILY FARMING

States must respect, protect and fulfil the rights of family farmers. Some international instruments provide special recognition and protection to family farmers. Their objective is to improve their production methods and

quality of life, threatened by poverty, inequality, food insecurity and malnutrition (FAO, 2021).

The [United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas](#) (United Nations General Assembly, 2018) provides that “States shall respect, protect and fulfil the rights of peasants and other people working in rural areas” (Article 2).

It recognizes the right to food sovereignty, understood as the right to define their own agrifood systems, which includes “the right to participate in decision-making processes on food and agriculture policy and the right to healthy and adequate food produced through ecologically sound and sustainable methods that respect their cultures” (Article 15).

The United Nations General Assembly has also highlighted the importance of family farming in fruits and vegetables production by declaring 2021 the International Year of Fruits and Vegetables.

FAO has promoted a range of international initiatives and instruments that advance family farming. These include the [Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security](#); the [Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security](#); and the [Voluntary Guidelines on Food Systems and Nutrition](#).

Although these instruments are not legally binding, they provide States with detailed, persuasive and clear guidance.

At the regional level, the [Latin American and Caribbean Parliament](#) (PARLATINO) (only in Spanish) adopted the [Model Law on Family Farming](#) in 2017 as part of its efforts to harmonize and unify legislation. This law provides a reference to the region’s governments to define and implement policies and strategies for the promotion and development of family farming (Article 1). In addition, PARLATINO issued three important declarations, two of them in the context of the COVID-19 crisis.⁵

At the subregional level, the [Andean Parliament](#) (only in Spanish) adopted a Regulatory Framework to Promote and Strengthen Peasant Economy and Family Farming in the Andean Region, which includes a section on COVID-19. In addition, the [Central American Integration System](#) (SICA) (only in Spanish) has developed a [Policy on Peasant, Indigenous and Afro-descendent Family Farming](#) (only in Spanish).

SICA and the aforementioned regional parliaments are not alone in promoting and strengthening these

⁵ [Declaration on Family Farming](#) (2014, only in Spanish); [Declaration on Family Farming in the context of COVID-19](#) (2020, only in Spanish); [Joint declaration on increasing responsible investment in agriculture and food systems in the face of the COVID-19 crisis](#) (2020).

legislations, with similar efforts also taking place within high-level meetings such as the Specialized Meeting on Family Farming of Mercosur and the Andean Community. This demonstrates the valuable role of these forums for political dialogue.

RECOGNITION OF FAMILY FARMING AT THE NATIONAL LEVEL

In Latin America and the Caribbean, the constitutions of 28 countries have sections or articles related to agriculture, broadly interpreted⁶. Although not all of them mention family farming explicitly, several rights recognized to farmers are especially relevant for family farmers.

Examples of how agriculture is considered in constitutions include the promotion of personal and collective access to land; resource allocation; credits; insurance; the establishment of agricultural funds and tax breaks; guarantees for the establishment of commercial conditions and fair prices; technological assistance for investment in technology and research; the right of association; provisions on social security; the right to health, education and housing; access to irrigation water and electricity; provisions on Indigenous farmers, women farmers and the elderly; sustainable rural development and protection of biodiversity; and the establishment of general agricultural policy guidelines and agricultural institutions (courts, local governments, agrarian reform institutions).

Such constitutional provisions are important since the Constitution is the supreme or highest law of each country and prevails over changes in government and political circumstances. All of a country’s rules and policies must conform to the Constitution and be interpreted in accordance with it.

Constitutional provisions must be applied through institutional, regulatory and policy frameworks that are conducive to the multi-dimensional expression of family farming (Pillar 1, UNDF).

One way of doing this is through family farming laws. When properly designed, implemented and monitored, these laws provide clarity and predictability with respect to the rights of family farmers and the corresponding obligations of governments, therefore favoring its enforcement. Family farming laws also lay

⁶ *Information as of December 2021: Antigua and Barbuda, Bahamas (The), Barbados, Belize, Plurinational State of Bolivia (the), Brazil, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic (The), Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Lucia, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Bolivarian Republic of Venezuela (the).*

the foundations for the **regulation and development of public policies in this area**, which ought to be supported by adequate budgets, inclusive governance and institutional mechanisms.

In Latin America and the Caribbean, seven countries have family farming laws: [Argentina](#) (2015, only in Spanish), [Plurinational State of Bolivia \(the\)](#) (2013, only in Spanish), [Brazil](#) (2006, only in Portuguese), [El Salvador](#)

(2021, only in Spanish), [Panama](#) (2020, only in Spanish), [Paraguay](#) (2019, only in Spanish), [Peru](#) (2015, only in Spanish)⁷. The vast majority of these laws were promoted by the PFH LAC.

The main elements of family farming regulated by these laws are summarized below:

TABLE 1. ELEMENTS REGULATED BY FAMILY FARMING LAWS IN THE REGION

Objective and aims	This establishes the purpose and goals of the law. The specifics will depend on the characteristics of family farming in each country, but may include the following: contribute to the realization of the right to adequate food; establish the basis for the development of family farming policies; recognize its contribution to food and nutrition security; contribute to the reduction of inequalities and poverty, among others.
Definition of family farming	The constituent elements that must be present for an activity and its practitioners to be considered family farming or family farmers; the requirements for access to legal benefits, which usually include registration in a national family farming register.
Governing body	Entity responsible for the coordination, promotion and strengthening of public policies on family farming; this may be an institution specifically created by law or one that already exists.
Innovation, research, infrastructure and extension services	Promote research and training programmes on family farming in institutions and universities, or the creation of specialized educational centers; technical assistance and technology transfer from specialized institutions; dissemination of natural organic or agro-ecological production practices; and the preservation of ancestral knowledge or establishment of demonstration units for experimentation. It can also include regulation of the provision of materials and inputs and the improvement of rural infrastructure (roads, housing, rural electrification, water and irrigation, sanitation etc.); and expansion of social services into rural areas (education, health, sports, culture, and social assistance, among others).
Preservation of natural resources	Incentives for: improvement and conservation of soils and prevention of their degradation; conservation of biodiversity; use of non-conventional renewable energies; water infrastructure and efficient water use.
Access to productive resources	Guarantee family farmers' access to productive resources, such as land, water, seeds or biodiversity. Improvement of access to better quality farmland, or to regularization of small farmland titles.
Access to financing	This may include subsidies, specific credit lines for family farming, micro-credit, the creation of funds, tax breaks or advice on business plans.
Risk management	Creation of insurance products to mitigate the risks of family farming with respect to damage and loss caused by emergencies or catastrophes, workplace accidents, loss or theft of animals, forestry products, agricultural products, machinery and rural implements.
Equality for all members	Establishment of measures to foster generational replacement or boost participation in family farming by women, Indigenous Peoples, youth and elderly. Guarantee equal access to natural resources and financing, recognizing and making visible their contribution and work, and including these groups in decision-making processes ⁸ .
Promotion of partnerships	Enhance partnerships and cooperation (cooperatives, committees and other forms of self-management, among family farmers, and between these and other agents in the private and public sectors).
Placement of products in markets	Promote short marketing circuits and direct sales between producers and consumers. For example, agricultural fairs, producers' fairs or local markets; or trademarks and designations of origin for family farming products, as well as other certification mechanisms. In addition, public procurement laws.
Implementation budget	Allocate the funds needed for an effective implementation of the law. Inclusion of a budget for implementation in the family farming law itself guarantees its consideration in national budgets, thereby providing stability and predictability.
Monitoring	Mechanisms for monitoring the implementation of the law.

⁷ Information as of December 2021.

⁸ Countries such as Honduras and Paraguay have adopted regulations that improve conditions for rural women directly. For example, the [Law on the National Solidarity Credit Programme for Rural Women](#) (2016, only in Spanish), in Honduras, prioritizes financing for rural women living in the country's most vulnerable communities and seeks to promote activities among rural women through small and medium-sized enterprises in crop farming, aquaculture, livestock farming, service transformation, and formal and informal trade.

In addition to the family farming laws mentioned above, **some of the region's countries have adopted laws regulating specific elements of family farming, among which public procurement of food produced by family farmers.**

Public procurement laws enable family farmers to participate more effectively in formal markets. This helps to reduce the influence of intermediaries, guaranteeing fairer prices, stimulating the diversification of production and favouring short production and food circuits, and encouraging direct partnerships between farmers and consumers. Countries that have recently adopted such laws include **Colombia** (2020, only in Spanish) and **Peru** (2020, only in Spanish).

Provisions on public procurement of family farming products can be incorporated into **national school feeding programmes**, thereby improving access to healthy food for school-age children and adolescents.

When combined with public procurement of family farming products, school feeding programmes help stimulate local economies, supporting the most vulnerable families by providing a nutritious diet for their children

In addition, during the ongoing COVID-19 pandemic, some countries have adopted emergency laws on family farming, with support from the PFH LAC. These laws seek to mitigate the effects of the pandemic by guaranteeing the food and nutrition security of the population.

Some measures found in emergency laws include: extension of deadlines for loan principal and interest payments; restructuring of agricultural debt; creation of credit lines; allocation of public funds for expenditure and investment in the agricultural sector; creation of agricultural funds; prioritization of family farms when sourcing products for soup kitchens; and creation of applications for the purchase of agricultural products from local suppliers and online peasant farmers' markets⁹.

TABLE 2. EXAMPLES OF EMERGENCY LAWS DEALING WITH FAMILY FARMING IN LATIN AMERICA AND THE CARIBBEAN

Country	Law
El Salvador	Special temporary law on measures for the agriculture sector to guarantee food security in the context of the national emergency and the effects of the COVID-19 pandemic (only in Spanish)
Honduras	Special law for economic stimulus and social protection in the context of the effects of coronavirus disease (COVID-19) (only in Spanish)
	Law on assistance to the productive sector and workers in the context of the effects of the COVID-19 pandemic (only in Spanish)
Panama	Law defining economic and financial measures to counteract the effects of COVID-19 in the Republic of Panama (only in Spanish)
Paraguay	Law and Differential Agricultural Credit (only in Spanish)
	Law providing support and assistance to organized soup kitchens throughout the territory of the Republic of Paraguay during the pandemic declared by the World Health Organization due to COVID-19 (only in Spanish)

LIST OF PARLIAMENTARY ACTIONS

The work of parliamentarians, either individually or through parliamentary committees or alliances, is essential for making progress in recognizing and protecting the rights of family farmers. Their efforts have resulted in significant progress in terms of legislation and policies in this area.

Nonetheless, there is still much room for improvement in terms of strengthening family farming, in order to guarantee adequate food for the population at large and, at the same time, improve the quality of life of those engaged in it while moving towards sustainable food systems. This has been emphasized by the PFH LAC in all of its political declarations issued annually at the regional forums, thereby providing guidance for the work of parliaments in the region with a strong gender focus.

In this regard, parliamentarians may wish to consider the following actions:

- For those with an interest in advancing SDG2 and SDG5, approach the national PFH in their respective country and join its work.
- Adopt legislative and other measures targeting family farmers, comprehensively considering their needs and capacities, including regulations, appropriate budgets and monitoring systems. To this end, family farming and its beneficiaries need to be clearly defined, with up-to-date, disaggregated, quality and relevant information being needed.
- Mainstream inclusive social protection schemes in existing regulatory frameworks, based on information and family farming registers.

⁹ Similar measures have been implemented by the National Agricultural Development Institute (INDAP) of Chile.

- Promote access to land and productive resources for family farmers, with a special emphasis on women and Indigenous Peoples.
- Incorporate an inclusive and participatory perspective, integrating family farmers' know-how, experience and ancestral knowledge.
- Prioritize women and Indigenous Peoples in regulatory instruments, and adopt measures targeting youth, to reduce the rural exodus and guarantee decent jobs. At the same time, improve conditions for the elderly.
- Promote family farming as part of diversified food systems that are more resilient to climate change, based on the sustainable use of natural resources.
- Promote access to services and infrastructure that enable family farmers to gain better access to markets and generate economic opportunities – for example, through regulations on public procurement of family farming products.
- Legislate to address emergencies such as the current COVID-19 pandemic, responding to the needs of family farmers and at the same time guaranteeing the availability of food for the population at large.

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**This legal brief was prepared by Carolina Flores Barros, Specialist at the Development Law Service of the FAO Legal Office (LEGN), in collaboration with Valeria Pasarín Linares, International Legal Consultant - LEGN, and María Ignacia Hadad Plate, Economic Analysis Specialist in Public Policy. It was technically supervised by Manuela Cuvi Rodríguez, Legal Officer - LEGN, Raúl Contreras Devia, Specialist in Family Farming for Sustainable Rural Development and Luis Lobo, Coordinator of the project to support the Hunger-Free Latin America and the Caribbean 2025 Initiative in times of COVID-19 and Technical Officer of the SPAIN-FAO Programme for Latin America and the Caribbean.*



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