Legal Services for Development
Helping to achieve sustainable agricultural development with sound legal frameworks and practices
The importance of sound legal frameworks for sustainable development

Food and agriculture is at the heart of the Sustainable Development Goals (SDGs) and the global community has committed to the 2030 agenda. Tackling complex areas such as ending poverty, hunger and malnutrition as well as the global response to climate change, are among the key areas of focus. The agenda also aims to achieve inclusive growth, build strong and resilient communities, and calls for sustainable management of natural resources.

Whether the area of focus is food and nutrition security, land rights, water quality or supporting communities to respond to the adverse impacts of climate change — well-designed laws and governance frameworks play a crucial role in achieving sustainable food and agricultural development and production.

Legal frameworks help to:

- strengthen the foundation for good governance;
- facilitate the participation of all types of stakeholders, from central governments to rural communities;
- protect rights and define specific duties and responsibilities;
- establish predictable, appropriate and fair rules for encouraging investment and enhancing trade and market opportunities; and
- set norms for environmentally responsible behavior.

Legal services for development:

FAO offers legislative support to member countries and contributes to the development and implementation of international treaties and other norm-setting instruments through national legal frameworks. It also carries out research and publishes legal studies and papers, and maintains databases of national legislation and international agreements concerning food and agriculture.

Key services:

- legal advisory services to member countries, regional organizations and to FAO decentralized offices;
- ensuring the latest legislative and policy information is widely accessible through databases;
- undertaking research and studies on important and relevant legal topics; and
- supporting in-country capacity building on legal and institutional concepts and techniques.

The methodology for proving legal services is multidisciplinary, participatory, independent and tailor-made.

Development law services are available at FAO headquarters and at certain FAO decentralized locations.
AGRICULTURAL DEVELOPMENT WITH SOUND LEGAL FRAMEWORKS AND PRACTICES.

LAW DRAFTING PROCESS

01
GOVERNMENT
Government requests FAO assistance to develop or re-form a law

02
INCEPTION
Inception of project: FAO consults with national counterparts, e.g. ministry officials

03
REVIEWS
FAO review existing national legislative and institutional framework governing land use

04
RECOMMENDATIONS
Government provides FAO with policy inputs vis-à-vis the recommendations

05
SUBMITS
FAO submits its report to Government with legislative recommendations

06
GO-AHEAD & DRAFT
Government gives go-ahead to FAO. FAO drafts a bill (amendment or substantive bill)

07
CONSULTATIONS
FAO prepares revised draft for Government consultations with national land use stakeholders

08
FINAL TEXT
FAO reviews results of consultations and Government’s inputs, and submits final text and an explanatory note to national authority

09
BILL
The Bill is enacted

PROJECT
Project is developed (funds, outputs, timelines, workplan, etc.)

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Areas of Work

- Animal health and production
- Climate change and climate-smart agriculture
- Decent rural employment
- Farmer organizations including cooperatives
- Fisheries and aquaculture
- Food safety and quality
- Food and nutrition security
- Forestry issues
- Responsible governance of tenure of land, fisheries and forests
- Pesticide management
- Plant protection
- Right to Food
- Rural institutions and agribusiness
- School food and nutrition
- Seeds
- Sustainable food and agriculture
- Trade, including conforming national laws with WTO agreements
- Water management
- Wildlife

IMPACT OF LAWS

FAO prepares draft law based on Government policy directions

CO-MANAGEMENT OF FISHERIES

Impact: Communities are represented in decision-making

SAFEGUARDING ACCESS RIGHTS OF FISHERS

Impact: Fishers are legally protected

CREATION OF MECHANISM FOR ALLOCATING FISHING RIGHTS

Impact: Clarity, transparency, reduced conflict over fisheries resources

OVERALL IMPACT:
PROTECTION OF FISHERS’ LIVELIHOODS
Our services

Advisory services for Member countries

Member countries and regional intergovernmental organizations, such as economic communities or fishery bodies, can request help from FAO to analyse and improve their legal regimes governing food, agriculture and natural resources management. This is done, taking into account both the FAO Strategic Objectives and the SDGs, while ensuring or promoting alignment with international obligations and standards in these fields.

Hundreds of advisory projects in the five continents have supported a wide variety of legislative reform activities in many different fields. The level of assistance varies and depends upon the particular needs of the country or regional body. FAO legal experts also advise on institutional reform, such as the creation of central food authorities.

Research on legal developments around the world

FAO has taken a leading role in conducting and promoting research and studies on important legal developments in agriculture and natural resources management such as climate change. In addition to the papers it presents at international meetings, FAO produces reference publications such as legislative studies and legal papers, and other materials such as guides and toolkits. All documents are available through the FAO Document Repository, which is accessible through fao.org.

Databases to access research and findings

One of the FAO’s responsibilities is ensuring national legislation and international agreements on areas within its mandate are widely available. To this end, several legal databases have been developed and are maintained.

- FAOLEX
Believed to be the world’s largest free of charge collection of national laws, regulations and policy related to food and agriculture. Includes over 130,000 legislative and policy texts from more than 200 countries, territories and regional economic communities. FAOLEX also provides the information on legislation for ECOLEX.

- AQUALEX
Contains national and shared watercourses legislation and agreements relevant to water resources. It is an open-access resource for stakeholders who want to know more about the legislative and regulatory framework for water.

Capacity building

An important, and ongoing, area of focus is strengthening regional and national capacities in legal and institutional aspects of food and agriculture production and natural resources management. As part of this effort, FAO provides training alongside the delivery of legal advice. More specialized training is also available and can be arranged. From time to time, subject to external funding, Government lawyers come to FAO headquarters to undertake “internships”. During their visit, they can develop their own national laws under the guidance of FAO officers. Government lawyers from member countries also have the opportunity to participate and contribute to legal research on agricultural and natural resource issues.
Global reach

In recent years, FAO has provided legal assistance to 93 countries and 12 regional organizations under 129 projects

LATIN AMERICA AND THE CARIBBEAN

In 2017, the Latin American and Caribbean Parliament (the PARLATINO) adopted the world’s first Model Law on Small-Scale Fisheries, which was drafted by a multidisciplinary team of FAO technical and legal experts. The PARLATINO also approved Model Laws on food rights, school feeding and farming – and these have since been referenced by national parliaments in the region. The Hunger Free Latin American and the Caribbean Initiative has been instrumental in driving these efforts.

CENTRAL AMERICA

Between 2010 and 2012, seven countries were provided support to develop regulations to fight bovine encephalopathy. This involved analysing national and regional level legislation and standards on animal health, animal production, feed and food safety. Regulations were developed following a participatory process. Most of the regulations were approved one year after the project, with one of the participating countries receiving OIE recognition as disease-free. Other countries involved were able to open new markets for their animal products.

AFRICA

More than 80 delegates representing veterinary services of several African countries participated in a comprehensive training program on veterinary legislation, developed and delivered in conjunction with the African Union Inter-African Bureau for Animal Resources (AU-IBAR) and the World Organisation for Animal Health (OIE). The sessions took place in Tanzania and Kenya in 2013.
International

Close cooperation with the Secretariat of the International Plant Protection Convention (IPPC) to implement the IPPC in member countries, or countries with potential to be future members, resulted in training of 40 phytosanitary experts and 20 lawyers in five regional workshops between 2015 and 2017. More than 12 countries have been helped to develop legislation on plant protection to implement the IPCC.

Central Asia

Five countries were supported in revising their organic production legislation that regulates the mechanisms for the production and certification of organic products. These are Uzbekistan, Azerbaijan, Kazakhstan, Tajikistan and Kyrgyzstan.

Asia & The Pacific

Illegal, unreported and unregulated (IUU) fishing is a common issue in the Maldives, Sri Lanka, Thailand, Papua New Guinea, Palau and Tonga. In an attempt to tackle the problem, FAO supported the review and drafting of fisheries and aquaculture legislation related to conservation and sustainable use of fisheries resources, and provided capacity-building on port state measures. This was made possible through funding from technical cooperation programme projects and Norway between 2016 and 2017.

Central Africa

To promote the safe trade of plants and animals amongst members of the Central African Economic and Monetary Community (CEMAC), technical support was provided throughout 2013 to the formulation of regulations aimed at ensuring the harmonization of plant and animal health protection standards amongst these countries.
We are here to help
For more information contact:
LEGN-Chief@fao.org