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## FAOLEX

This issue of DEVLA pays tribute to FAO Legal Office colleague and friend, Barbara Moauro, who passed away suddenly earlier in June. Barbara was the driving force behind the creation and success of FAOLEX, now a world renowned database of legal instruments and tools for lawmaking. The FAOLEX team is committed to ensuring that same determined spirit with which FAOLEX has thrived and grown, lives on. Visit FAOLEX at [faolex.fao.org](http://faolex.fao.org) and browse our collection of national laws and legislative instruments on food, agriculture and renewable natural resources. Analytical abstracts are provided in official languages with the original full text of each legislative document. Access to FAOLEX is free: [www.fao.org](http://www.fao.org)

## Contract Farming collaboration

The second working group session for the drafting of a *Legal Guide on Contract Farming* took place at the UNIDROIT headquarters in Rome from 3-5 June 2013, **bringing together representatives from FAO, UNIDROIT, IFAD, WFP, WFO (World Farmers Organization), Bayer India, and various universities.** FAO was represented on the technical side by Carlos Da Silva, Marlo Rankin and Caterina Pultrone, and on the legal side by Carmen Bullon, Luisa Cruz, and Bill Garthwaite. Moving forward, the *Legal Guide on Contract Farming* will be a joint publication between UNIDROIT and FAO, with UNIDROIT taking a lead role. UNIDROIT, along with several selected professors, will be the primary drafters of each of the sections of the Guide. FAO will revise the sections, provide comments based on practical experience, and add content. The *Legal Guide on Contract Farming* is due to be published in 2015. Contract farming brings together a range of public and private law aspects, as well as technical aspects, and this collaboration suitably brings together FAO's strengths in technical areas and public law, with UNIDROIT's expertise in private law. For more information on contract farming, check out FAO's Contract Farming Resource Centre at [www.fao.org/ag/ags/contract-farming/en/](http://www.fao.org/ag/ags/contract-farming/en/)

## Governance is high profile

**Governance** is one of the two cross-cutting themes running throughout FAO's five [Strategic Objectives](#) and key to the achievement of FAO's new [Strategic Framework](#) which outlines the Organization's vision, strategic objectives, and desired outcomes in terms of hunger eradication and agricultural development. The Development Law Service is involved in discussions and ensuring that governance, as a cross-sectoral issue, is properly reflected in the Strategic Objectives. In the context of the five SOs, work in support of development of legal frameworks will be required to ensure, inter alia: **countries have legislation** that express commitments for allocation of necessary resources to eradicate hunger, food insecurity and malnutrition; **stakeholders strengthen governance** – the policies, laws, management frameworks and institutions that are needed to support producers and resource managers – in the transition to sustainable agricultural sector production systems; **stakeholders adopt, develop and implement international governance mechanisms and related instruments** (standards, guidelines, recommendations, etc.) which are needed to improve and increase provision of goods and services; **the enabling environment** is improved for the rural poor towards enhanced and equitable access to productive resources,

services, organizations and markets, and to ensure their effective sustainable management of resources; and that **international agreements, mechanisms and standards that promote more efficient and inclusive trade** and markets are formulated and implemented by countries.

### FAO's Strategic Objectives

SO 1 - contribute to the eradication of hunger, food insecurity and malnutrition.

SO 2 - increase and improve provision of goods and services from agriculture, forestry and fisheries in a sustainable manner.

SO 3 - reduce rural poverty.

SO 4 - enable more inclusive and efficient agricultural and food systems at local, national and international levels.

SO 5 - increase the resilience of livelihoods to threats and crises.



## Are you interested

in volunteering with us? Do you have a paper you think we should know about? Would you like to make use of our legal technical expertise? Can you contribute to our databases? We would like to hear from you. For more information on who, what and how, please write to [devlaw@fao.org](mailto:devlaw@fao.org) or visit us online at [www.fao.org/legal](http://www.fao.org/legal). We look forward to hearing from you.

# Legal assessment of the right to food in Nepal



The Development Law Service is supporting Nepal in undertaking an assessment of the legal, constitutional and institutional frameworks for the realization of the right to food in Nepal. The assessment analyses the constitutional provisions (interim constitution) on the right to a dignified life, and the right to food sovereignty, amongst others. It considers questions of women's rights as they relate to the right to food and reviews a number of sectors, such as land tenure and social protection along the lines of the [Guide on legislating for the right to food](#) (FAO, 2009). Most importantly, the study collects and analyses Nepalese jurisprudence and finds a large number of cases where the right to food is wholly or partly the basis for rulings.

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## Publications

**NEW** Legal Papers Online are available at [www.fao.org/legal](http://www.fao.org/legal)

### Tools for sustainable forest management

(in French) by Patrice Talla and Djedje Gnahoua as well as

### Aquaculture regulatory frameworks: Trends and initiatives in national aquaculture legislation

(in English) by Patrice Talla and Karine Erikstein.



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# UN-REDD+

## Lessons learned

Human dignity, non-discrimination, equity and justice, gender equality, consultation and participation, rule of law, transparency and accountability. **Principles that should be considered in each step of the development law process.** The FAO Development Law Service has recently produced a publication by the UN REDD Programme entitled: “Legal analysis of cross-cutting issues for REDD+ implementation: lessons learned from Mexico, Viet Nam and Zambia”. This paper builds on the legal priorities identified by key stakeholders during national workshops held in Hanoi, Lusaka and Mexico City and has been reviewed by government representatives from the three countries, the UN-REDD Programme’s partner agencies and international experts. Key legal considerations have been identified to improve the implementation of national REDD+ programmes, while the paper presents lessons learned to better assist countries when drafting legislative reforms related to REDD+. Kenya, the Democratic Republic of the Congo and Peru are currently moving ahead in the revision of their legal frameworks for REDD+ implementation. Countries like Brazil and Indonesia have enacted REDD+ legislation. Mexico is one of the first countries to pass legislation supporting efforts to reduce emissions from deforestation and forest degradation (REDD+).

Recognizing the need to reform environmental laws and harmonize legal inconsistencies for REDD+ implementation, the Mexican Congress has recently advanced a set of legal reforms to the country’s environmental law (1988) and forest sustainable development law (2003). For more on this and the publication itself: [www.un-redd.org](http://www.un-redd.org)

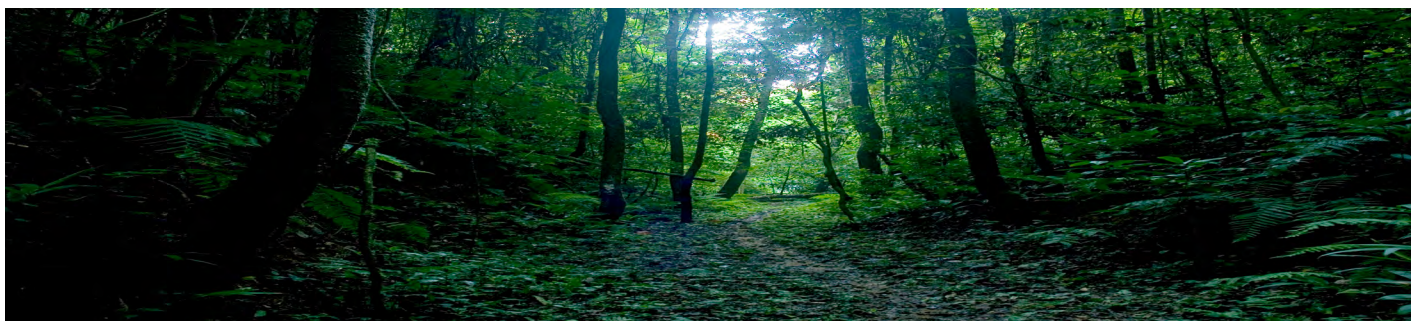
## Governance in fisheries



As member states ratchet up discussion on sustainable development goals and the Post 2015 development agenda, the FAO Liaison Office in NY (LON) organised an opportunity for them and others to exchange ideas with FAO experts on key development issues on 7 May in New York. Building on the workshops of the Working Group on Biodiversity in Areas Beyond National Jurisdiction (ABNJ), held at UN headquarters from 2-7 May, FAO officers from both the Fisheries Department and the Development Law Service gave an informal presentation on the governance framework for fisheries in ABNJ and how FAO supports sustainable fisheries in these areas.

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Within ABNJ, areas of ocean for which no one nation has the specific or sole responsibility, the management of marine living resources is challenging. Difficulties in monitoring fishing activities, costs of enforcing conservation and management measures and the lack of scientific data are major issues, explained FAO Experts Peter Deupmann and Jessica Sanders. Fisheries in ABNJ, both pelagic and deep-sea fisheries, are largely managed by states through Regional Fisheries Management Organizations (RFMOs). RFMOs operate within a legal framework that provides a suite of instruments for management and conservation of fisheries, including the EAF, the precautionary approach, area-based management tools, as well as measures to combat illegal, unreported and unregulated (IUU) fishing. Implementation of these instruments is the key to success in sustainable fisheries management. Against this background, FAO presented the FAO-led Global Sustainable Fisheries Management and Biodiversity Conservation in ABNJ Program. Initiated in 2012 and funded by the Global Environment Facility, the Program aims to promote efficient and sustainable management of fisheries resources and biodiversity conservation in ABNJ.



# Land consolidation in Albania and Bosnia and Herzegovina

Together with the land tenure team and the Regional Office for Europe, the Development Law Service has supported a number of technical assistance projects in the last years, such as in Armenia, Lithuania and Moldova. Many countries of Eastern Europe undertook wide ranging redistribution of land in the 1990s, often to the individual and families who had previously worked on large state farms. The scrupulous attention to equality ensured that each recipient received land of comparative quality and size. However, this also meant that the land got fragmented, as each farmer ended up with a number of small plots, sometimes far from one another. It has now been found that this fragmentation hinders economic growth and the economic sustainability of the farm.

## Saudia Arabia shows an interest in legislative assistance

A delegation from the Saudi Arabian Ministry of Agriculture visited FAO HQ from 6 to 10 May 2013, as part of a study tour under the project on “Strengthening the institutional and human capacity of the Ministry of Agriculture”. The purpose of the visit was **to learn and benefit from the international experience** in building and developing the structures of agricultural organizations and ministries of agriculture in countries with advanced performance in agricultural development and food security. Philine Wehling of the Development Law Service welcomed the delegation with a presentation

FAO has supported land consolidation efforts based on principles of voluntary participation, as is now reflected in the [Voluntary Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests](#), section 7, using a methodology where farmers can swap, buy or sell plots simultaneously. The best way is to provide by law for simplified procedures to avoid having to deal formally with the



individual transactions behind the overall new ownerships. In **Albania**, collective farms were distributed to new owners, and the legislation currently does not provide for land consolidation processes. The country is now on its way to adopt a strategy to deal with this, and once approved, necessary legal amendments and the enactment of a new law on land consolidation will follow.



that concentrated on its priority areas, **highlighting the Service's expertise** especially in capacity development and institutional strengthening in member countries. Areas of particular interest for the Ministry of Agriculture included, regulations and procedures governing organizational restructuring, and related legislative assistance on offer by the FAO Development Law team in the revision of legal and institutional frameworks. The session was conducted in Arabic.

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In **Bosnia and Herzegovina**, as in all of **Yugoslavia**, land fragmentation was not caused by privatization, but through inheritance and other causes over time, as Yugoslavia did not go the route of collective farming systems to any great extent. There is even still legislation on land consolidation formally in force. However, since the war, no land consolidation activities have taken place, because of the expense involved with the existing system, which aimed as much as providing for rural infrastructure as at reshaping individual farm plots, and also had an element of compulsion. The aim is therefore to assist the country in finding the best way of adapting the old system to modern requirements in ways that are affordable to the country. A recent workshop brought together all the countries of former Yugoslavia to share lessons on land consolidation in the post-war and post Yugoslav era, which was very useful to Bosnia [www.fao.org/europe/meetings-and-events-2013/lc-bih/en/](http://www.fao.org/europe/meetings-and-events-2013/lc-bih/en/). Both Albania and Bosnia and Herzegovina have strong legal provisions for the equal rights of men and women. In practice, however, women are less likely to be registered as land owners and are less likely to participate in negotiations over land, including for land consolidation. **FAO therefore made special efforts to consider gender aspects in land consolidation** and related rural and community development and has thus also enjoyed the support of the land and gender team of FAO. Forthcoming is a legal paper online on the legal aspects of land consolidation.