



Model Law On Family Farming

**Latin American
and Caribbean
Parliament**

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PRESENTATION

Blanca Alcalá, Senator from Mexico and President of the Latin American and Caribbean Parliament

Reducing hunger, improving food security and sovereignty, battling malnutrition, and understanding the risks of crop production, trade, and consumption are urgent topics that society must address and understand.

Furthermore, the soil, the water, the oceans, and forests are being rapidly degraded while climate change puts pressure on the resources which we depend on, increasing the likelihood of natural disasters such as droughts and floods.

In the Latin American and Caribbean Parliament, we understand that these problems require creating comprehensive solutions for which parliamentarians must promptly act. In this regard, PARLATINO has widely worked to consolidate and contribute to these purposes assuming our legislative responsibility

In this context, a great amount of work was deployed in order to create the Model Law on Family Farming. Such Law is aimed at providing legal and technical instruments to lawmakers so that the importance of family farming is reconsidered, in terms of solving issues regarding hunger, malnutrition, and obesity.

The Model Law on Family Farming was drafted and ultimately passed in the 32nd General Assembly, after weeks of reviewing the relevant legal framework for the 23 countries of the region, consulting specialists, and carrying out the parliamentary discussion.

In the PARLATINO, one of our main goals will always be to join forces to improve the living conditions of the people of Latin America and the Caribbean. In this case, this was enabled with the support of our strategic partner: the Food and Agriculture Organization of the United Nations (FAO), for which we acknowledge their willingness and hard work to make the human right to proper food a reality.

Luisa María Calderón, Coordinator of the Parliamentary Front Against Hunger for Latin America and the Caribbean

From its very beginnings in the year 2009, the Parliamentary Front Against Hunger of Latin America and the Caribbean (FPH) has considered family farming as a cornerstone. Family farming can dignify and improve nutrition, sociocultural and financial conditions of people, mainly those living in rural areas.

The FPH has ratified every year, in the Declarations of its Regional Forums, its certainty that family farming is strategic for achieving food and nutrition security and sovereignty, as well as to promote sustainable rural development in our countries. We acknowledge that strengthening this sector will increase the production of healthy, nutritious, culturally-acceptable, and sustainable foods.

Farming in our region is mainly carried out within families, although it is important that it targets the market and not only self-consumption.

The parliamentary community of the FPH has supported the drafting of the Model Law on Family Farming, as well as other national legislative projects aimed at strengthening this sector. As a result, countries like Argentina, Colombia, Costa Rica, and Uruguay have also had significant improvements in terms of family farming.

We, the members of the FPH, confirm our commitment to support family farming and applaud the willingness of Latin American and Caribbean legislators, through the PARLATINO, to offer legal framework for this sector. We encourage them to keep working to make Latin America and the Caribbean a hunger and poverty-free region in 2030. We are also grateful to the Food and Agriculture Organization of the United Nations (FAO) for their constant commitment and collaboration with the Parliamentary Front Against Hunger of Latin America and the Caribbean.

Eve Crowley, FAO Deputy Regional Representative for Latin America and the Caribbean

In the year 2050, world population will reach 9 billion people requiring food production to double from what is currently produced. In order to face such challenge, we need a new approach for food production centered in preserving ecosystem health, fostering more inclusive and efficient food systems, increasing climate change resilience, and strengthening family farming.

Family farming accounts for an estimate of 80% of global food consumption and is currently the main source of employment in rural regions of Latin America and the Caribbean. In this way, it is a paradox that rural communities have the highest rates of poverty, food insecurity, and vulnerability before climate change-related phenomena. To eradicate hunger in this region, rural poverty must be fought. Family farming may have a decisive role, providing the right conditions are created, for it to develop, to be more productive, and to act as a real agent of change while fulfilling the growing demand for food in urban areas. In order to achieve this, rural areas must be granted public assets and family farmers must have access to productive resources and rural services. It is equally important to develop more inclusive markets, which consider healthy eating and value the diverse contribution of family farming. Aside from this, social protection systems must be linked to

the most vulnerable groups through productive inclusion strategies that consider creating agricultural and non-agricultural job opportunities in rural areas. This would promote rooting and would lessen current migratory trends, thus targeting one of the main causes of migration (domestic and/or international) and urbanization.

Consequently, FAO applauds the creation of the Model Law on Family Farming by PARLATINO. Such Law provides governing principles and definitions from which States can create or improve their own family farming laws, policies, and strategies. Moreover, it contributes to permanently guarantee the preserving, promoting, and development of family farming as a national priority by acknowledging its importance as a way of living and productive activity.

This Model Law, as well as local efforts derived from it, embody the will and political commitment of the region's lawmakers to improve the living conditions of the people. Acknowledging family farming and its contribution as a productive activity is decisive to make Latin America and the Caribbean a fair region free of hunger and rural poverty.

MODEL LAW ON FAMILY FARMING

PURPOSE

The Latin American Parliament (PARLATINO) is, according to its statute, a permanent democratic institution representing all political trends existing in the legislative bodies of our Member States; it is in charge of promoting, harmonizing, and canalizing the movement towards integration.

Therefore, legislative harmonizing is essential for integration and cooperation among lawmakers of the region when creating forward rules tending to confirm the principles and purposes of PARLATINO (Art. 1 Res. AO/2008/01)¹.

Even if its resolutions are not binding for the Member States and due to its work in harmonizing and debate, it has become a reference, regarding legal frameworks, and it is able to influence the countries' political agendas. The term "Model Law"² refers to a legislative resource

1. <http://www.PARLATINO.org/es/proyecto-leyes-marcos>

2. As of 2016 Framework Law is now termed Model Law, to acknowledge its function as guiding regulations for member countries of PARLATINO. More information in: PARLATINO. Temas especiales. <http://www.PARLATINO.org/es/leyes%20marco%20aprobadas>

available to PARLATINO in order to address cross-sectoral issues. It is legitimate due to the background process, which consisted in a formal and educated debate. The legal framework states the general principles and obligations, leaving the definition of specific actions to enforcement regulations and applicable authorities. From PARLATINO's experience, Model Laws arising from this institution have inspired forward rules and legislative provisions in the Member countries.

Regarding Human Rights, PARLATINO has always conveyed a proactive attitude, not only expressed through the creation of regulations, resolutions, and declarations, but also through the actions taken together with organizations. With such organizations, PARLATINO establishes alliances in order to promote principle frameworks, guidelines, and obligations ensuring the protection and guarantees for its proper implementation. In this regard, PARLATINO contributes to the efforts aimed at fighting hunger in the region, since the right to be protected against hunger is closely related to the right to life. Resulting from a regional political process supported by the Food and Agriculture Organization of the United Nations (FAO), through the Hunger Free Latin America and the Caribbean Initiative (IALCSH) and the Mesoamerica Hunger Free programme, which goal is to achieve political commitments in the countries and the

region against hunger, food insecurity, and malnutrition, Latin America is the sub region that has advanced the most. Latin America has achieved the Millennium Development Goal of reducing its proportion of undernourished people from 14.4% in 1990/92 to 5.1% in 2012/14, as well as the most ambitious goal of the 1996 World Food Summit (WFS) reducing its total number of hungry people from 60.3 million to 29.5 million in the same period.

PARLATINO became an ally from the very beginning and encouraged, together with FAO, the foundation of the Parliamentary Front Against Hunger of Latin America and the Caribbean (FPH) and its national chapters, as a diverse platform that gathers regional subregional, and national parliamentarians with an interest in fighting hunger.

Legislative production in the past decade has allowed several countries of the Latin American and the Caribbean region to create systems, adopt laws, and implement policies, plans or explicit strategies to fight hunger and malnutrition. Twelve of them have acknowledged the Human Right to Food in their Constitutions (explicitly or implicitly, and with a broader or less broader scope), and eight have laws regarding Food and Nutrition Security (Argentina, Brazil, Ecuador, Guatemala, Honduras,

Nicaragua, and Venezuela). Aside from that, the ongoing work of the Parliamentary Fronts Against Hunger has also led to specific improvements towards the drafting, passing, and enforcing of laws on food security in Colombia, Costa Rica, Honduras, El Salvador, Mexico, Panama, Peru, and Uruguay³, PARLATINO, then, passed the Framework Law on the Right to Food, Food Security and Sovereignty, and the Framework Law on School Feeding.

It is now imperative to address the challenge established in Agenda 2030, approved by the General Assembly of the UN. Such agenda states 17 Sustainable Development Goals (SDG) and 169 targets, as well as the commitment undertaken by the Community of Latin American and Caribbean States (CELAC), who wants to ensure food and nutrition security through a hunger and poverty eradication strategy in the Member States by the year 2025.

The right to adequate food is a human right belonging to every human being: “is the right to have regular, permanent and free access, either directly or by means

3. National policies and plans on food and nutrition security have been adopted at least in Colombia (2008); Brazil (2009); Costa Rica (2011); El Salvador (2010); Panama (2009); and Paraguay (2009).

of financial purchases, to quantitatively and qualitatively adequate and sufficient food corresponding to the cultural traditions of the people to which the consumer belongs, and which ensures a physical and mental, individual and collective, fulfilling and dignified life free of fear.”⁴ This right led to creation of the concept of food security. According to FAO, “Food security exists when all people, at all times, have physical and economic access to sufficient, safe, and nutritious food to meet their dietary needs and food preferences for an active and healthy life.”⁵ Later, the concept of nutrition security was included upon noticing that to fully fulfill this right, it is also necessary to consider micronutrient deficiency, overweight, obesity, and noncommunicable diseases (NCD).

In general terms, addressing hunger and food security from a rights perspective starts with acknowledging that all humans are entitled to rights they must be able to enjoy. Furthermore, it offers legal topics related to human rights to the drafting of policies and programmes, and imposes on states the responsibility of working to

4. Definition by Jean Ziegler. Report presented by Mr. Jean Ziegler, Special Rapporteur on the right to food (February 7, 2001), Doc. E/CN.4/2001/53, paragraph 14.

5. World Food Summit, 1966. Rome Declaration. Plan of Action. First Item.

progressively accomplish them. Consequently, the actions taken are not only deemed as fulfilling moral or political provisions, but imply that the State must enforce the legal obligations imposed by Human Rights Treaties. With this scope, this draft of Framework Law intends to be a platform to encourage states to adopt a series of legal, administrative, financial, or other measures.

Family farming is key to eradicate hunger due to its ability to provide healthy and nutritious food to the entire population. Moreover, this farming sector frequently develops diversified agricultural activities, which is essential to ensure environmental sustainability and biodiversity preservation.

To understand the importance of family farming, we only should point out that in our region family farming accounts for 80% of holdings, involving more than 60 million people and, thus, becoming the main farming and rural source of employment. Consequently, small farmers should be perceived as allies for food security and the most important elements in the efforts of countries to accomplish a hunger-free future.

FAO states that 8 out of every 10 people who produce food in Latin America are family farmers; y “small-scale and family farming are inseparably associated to food

security, include all family-based agricultural activities and are linked to several areas of rural development. Family farming is a means of organizing agricultural, forestry, fisheries, pastoral and aquaculture production which is managed and operated by a family and predominantly reliant on family labour, including both women's and men's" (V Forum of the Parliamentary Front. Against Hunger in Latin America and the Caribbean, 2014).

In this regard, there is a certain consensus that to guarantee food security public policies that acknowledge the diversity and complexity of the challenges faced by family farming holdings are necessary. In a world with an increasing and more urbanized population, dependent on food produced by a much lower percentage of farmers in comparison to the post-war period following World War II, family farming and its support must adapt to such changing conditions. As stated by FAO General Director, José Graziano Da Silva *"innovation is key to achieve this: farmers need to innovate the systems they use; governments need to innovate regarding specific policies they enforce on family farming; producer organizations must innovate to better address family farmer's needs; and research and rural extension institutions must innovate through a research-based process supported by*

*technology, with an approach that allows and rewards innovation from family farmers themselves”.*⁶

In most cases, an increase in productivity of the resources available to family farmers and small-scale producers is essential for inclusive growth and has deep implications in the way of living of poor rural populations and, in general, in rural economy. From a comprehensive perspective, the good functioning of food, input and labor markets can contribute to inserting family farmers and small-scale producers to rural economy and allow rural populations to diversify their means of living. This is critical to manage risks and reduce hunger and malnutrition.

A regional and national development strategy, aimed at preventing hunger, fighting poverty, and reducing inequality, must reinforce the role of agriculture and sustainable rural development. It must also encourage equality-based economic development and the creation of opportunities and abilities for people to improve their quality of living. All this implies the adoption of cross-sectorial comprehensive policies. However, a legal framework must be previously adopted, in which the governing principles and guidelines are

6. José Graziano da Silva, FAO General Director Opinion article (in Spanish). <http://www.fao.org/americas/noticias/ver/es/c/260235/>

stated. Therefore, parliamentary efforts constitute an essential part of such strategy. Considering the socioeconomical, environmental and cultural role of family farmers and considering the need to acknowledge and strengthen such productive units, the United Nations have proclaimed the year 2014 as “International Year of Family Farming”, in order to reposition such topic at the center of political debates.

PARLATINO, through the Agriculture, Cattle Raising and Fishing commission, had, since 2012, analyzed the situation of family farming and the actions that could allow its development. In August of 2012, PARLATINO passed the Declaration on Family Farming, that together with a comparative analysis of laws regarding family farming in Argentina, Bolivia, Brazil, and Peru, carried out with technical support from FAO as part of the “Project for the strengthening of parliaments for the development of legislation, institutions, and public policies for the fostering of food and nutrition security and family farming”, became the foundations of this Model Law on Family Farming.⁷

7. As of 2016 Framework Law is now termed Model Law, to acknowledge its function as guiding regulations for member countries of PARLATINO. More information in: PARLATINO. Temas especiales. <http://www.PARLATINO.org/es/leyes%20marco%20aprobadas>

PREAMBLE

WHEREAS:

- UN Resolution 66/222 declares 2014 as the “International Year of Family Farming” (IYFF), aimed at raising the profile of family farming and its contributions to socioeconomical development of countries.
- The goal of The International Year of Family Farming, 2014 is to reposition family farming in the center of farming, animal production, small-scale fisheries, and forestry policies of national agendas, identifying areas of improvement and opportunities to promote an evolution towards a more balanced, sustainable, and equal development.
- The background and role of PARLATINO in the fight against hunger, food insecurity, and malnutrition, including specific agreements such as the one with FAO in 2013 to strengthen this subject and the work of the Parliamentary Fronts Against Hunger, particularly the Framework Law “Right to Food, Food Security and Sovereignty (2012)”.
- PARLATINO has stood out in the past years for the drafting of framework laws that have been used as

reference by other Latin American parliaments, to develop relevant regulations, such as:

- Framework Law on “School Feeding” (2013).
- Framework Law on “Regulation of advertising and promotion of food and non-alcoholic beverages targeted to children and teenagers” (2012).

RECOGNIZING:

- The existence of several types and models of agriculture in Latin America and the Caribbean, which require a differentiated treatment in policies allowing them to leverage their potential to ensure more inclusive and sustainable food farming systems.
- The existence of several experiences and ways of understanding family farming in Latin American and the Caribbean countries, which becomes a challenge for the drafting of regional regulations and the need to respect national processes.
- The importance and potential of family farming regarding: i) strengthening and dynamizing regional and territorial economies and cultures; ii) contributing to sustainable management of natural resources (water, biodiversity, others); iii) strengthening national strategies of food and nutrition security regarding production and

diversity of food and; iv) using land in a balanced and sustainable way, thus contributing to solving problems related to overpopulation in large cities.

- The importance of family farming to satisfy global food demand, for which the current consensus is of a great potential to increase food supply and improve the living conditions of the most vulnerable populations of rural and indigenous areas. Family farmers produce around 70% of the food included in the basic food basket of some countries of the region (FAO, 2012), thus becoming key for governments to contribute to food and nutrition security, hunger, and malnutrition eradication, mainly obesity.

- The need to regard family farming as a potential provider of healthy and nutritious food, considering PAHO (Pan American Health Organization) and WHO urge on the persistence and/or increase of several forms of malnutrition and noncommunicable diseases related to diet, such as obesity and diabetes, that have widespread in children, young people, and adults. This requires a coherent and comprehensive response, for which the agendas on family farming, food security, protection of natural and cultural/ancestral resources (the use of quinoa, for instance), and healthcare and nutrition must be closely related. In addition, promoting

small-scale family farming, vegetable gardens in backyards and roofs, and schools.

- That family farming, in its widest context (agriculture, animal production, fisheries, and aquaculture), constitutes a source of healthy and nutritious food with an adequate level of processing, safe for raw consumption and the consequent impact on the eating habits of the population.
- The contribution of family farming to quality food, goods, and services production, as evidenced in the GDP of the region, to the generation of rural jobs (labor), to the preservation of natural resources and biodiversity, due to the multi-ethnic wealth it embodies and its contribution to the eradication of rural and indigenous poverty.
- The need to create regulations, institutions and differentiated policies to ensure sustainable and inclusive food farming systems that address the challenges of our societies regarding food. Today, the region has a wide range of public policy instruments that have been discussed in several forums of political debate. Many have been endorsed and enforced by governments; others, have been adapted and customized by the region's family farming organizations. Most countries

have implemented rural development policies and social development and productive fostering programmes, thus generating impact on the income and improvements on the way of living of family farmers. However, rural development institutions must improve, widen its scope with a cross-sectorial approach, adapt and basically perfect public, private and community work to improve the policy offer of the sector.

- That family farming, duly oriented by the State, has also an important potential to face climate change, given the wide experience on sustainable practices, preserved through generations within families of farmers, peasants, indigenous people, traditional communities, people devoted to fisheries, shepherds, gatherers, and other groups. Preservation and sustainable use of natural resources must be confirmed considering the logics of production of family farming. The highly diverse nature of their farming activities grants family farming with a central role in the promotion of environmental sustainability and the protection of biodiversity, besides contributing to a healthier and more balanced diet. Productive family units play a fundamental role in local marketing and consumption circles, also important for job creation, income generation and the fostering and diversification of local economies. While all this is true, however, more than 70% of the population with food

insecurity live in rural areas of developing countries, and generally only have access to limited natural resources, much of the times degraded, and become particularly vulnerable to outside crisis, including those arising from climate change.

CONSIDERING:

- The support and backup that family farming has received by regional and sub regional integration agencies, highlighting the support of CELAC (Community of Latin American and Caribbean States), during the Second Summit, Havana (2014), in which it endorsed the International Year of Family Farming (IYFF) and adopted the Caracas Action Plan of Social Development for the Eradication of Hunger, in which measures in favor of family farming are agreed upon with the purpose of improving the living conditions of those involved.
- The achieved developments in terms of regulations, policy instruments, and dialogue processes with civil society, through innovative mechanisms such as the Specialized Meeting on Family Farming (REAF) of MERCOSUR and the Central American and Dominican Republic Commission on Family Farming (CCAF) of SICA.

- The existence of several types and models of agriculture in the region, which require a differentiated treatment in policies allowing them to leverage their potential to ensure more inclusive and sustainable food farming systems.
- The existence of several experiences and ways of understanding family farming in Latin American and the Caribbean, which becomes a challenge for the drafting of regional regulations and the need to respect national processes.
- The need to raise awareness in national parliaments regarding the full enforcing of the Right to Food in current regulations, for it to be established definitively in institutional frameworks.

WE INTEND:

- 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 with social equality and respect to cultural diversity.

- To strengthen the levels of South-South cooperation and Triangular cooperation in the scope of food and nutrition security, as well as food sovereignty, interchanging knowledge, and resources to develop efficient strategies according to the needs of each country and sub region, including recovering traditional, ancestral, and culturally appropriate products.

Addressing the need of a general legal framework to collect and consider the criteria, principles, and parameters acknowledged internationally and regionally, the parliamentarians of PARLATINO agree to the following:

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MODEL LAW ON FAMILY FARMING

CHAPTER I - GENERAL PROVISIONS

Article 1.- Object

The law herein establishes a reference legal framework based on which each State shall define and enforce policies and strategies deemed of public interest which permanently guarantee as national priority the preservation, promotion and development of family farming, regarded as significant as a way of living and productive activity that contributes to food security, sustainable use of natural resources, biodiversity conservation, rural development and territorial decentralization, dynamization of local economies, and the existence of local communities.

Article 2.- Purpose

We hereby intend to:

a. Improve the quality of life of families who depend on family farming, foster social and economic well-being of producers, reduce poverty in the rural sector, and guide the coordinated action of the relevant organizations within government departments, with a cross-sectorial and intergovernmental approach.

b. Contribute to enforce the human right to adequate and sufficient food, to the integral development of people, families, and communities, and to the keeping of cultural guidelines and natural resources of every region.

Article 3.- Guidelines

a. The development of family farming entails the use of knowledge, technology, and good practices that, respecting the culture, traditions, and habits of farming communities, contribute to the growth and development of individuals and family units, especially those who require special attention and/or are socially vulnerable, such as women and youth.

b. The strengthening of rural family farming production implies the right to equal access to all natural resources and their sustainable use, respecting and establishing priorities, when applicable, the rights of traditional indigenous communities.

c. The search for self-sufficient feeding of rural family groups must also consider the right to an effective and fair retribution for surpluses and other marketed goods.

Article 4.- Governing Principles

a. Equality: All human beings are born free and equal in dignity and rights. The State and local governments shall promote the proper conditions to achieve actual and effective equality among individuals and communities, adopting provisions and policies of positive and differentiated action that value diversity. This is aimed at achieving equality and social justice, ensuring equal conditions for people to enjoy and exercise their rights to develop their way of living and family farming.

b. Non-discrimination: The access to natural and basic technology essential for family farming shall be respected, protected, and guaranteed, without discrimination, especially protecting the highly vulnerable rural population, such as women, the youth, or indigenous populations. Any distinction, exclusion, restriction, or preference based on race, colour, age, language, religion, political belief, national or social origin, which has the purpose or effect of nullifying or impairing the rights of the members of the family farming production unit shall be deemed illegal acts and shall be subject to legal penalties.

c. Security: People, families, and rural communities shall enjoy stability and security regarding material and legal conditions which they use for their way of living

and family farming activities, availability for means of production, and full enjoyment of the output of their work.

d. Sustainability: The preservation and improvement of the quality of natural resources shall be fostered, guaranteeing a safe, equal, and sustainable exploitation.

e. Empowerment: The acquisition and perfecting of knowledge, skills, and capabilities that allow living and producing in sustainable systems of family farming, as well as accessing the required means, shall be strengthened.

f. Participation: People, families, and rural communities may take part in the planning, drafting, developing, monitoring, and evaluating of the actions taken by States to guarantee the promotion and development of family farming. Such participation must be free, active, and significant, directly exercised or mediated by organizations which represent specific interests.

g. Preservation, promotion, and development: States must encourage, through government regulations and actions, the preservation, promotion, and development of family farming activities.

h. Transparency: States shall guarantee free access to timely and reliable information regarding the policies, decisions, and its processes, to people, families, and rural communities.

i. Accountability: Assessment methods for State interventions, based on objective information, methods and systems that guarantee social auditing shall be applied.

Article 5.- Definitions

a. Family Farming: 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.

b. Productive Family Unit: It is the unit of rural holdings that mainly depends on family work developed over a particular area, regardless of its legal way of land owning, directly managed, and operated by the family members, who live in such a land or nearby area and through which they receive their main source of income.

The highest area for the holding and number of hired personnel, permanent or seasonal, shall be defined in the regulations, based on the particulars of each region and category or activity branch.

c. Community: It is the gathering of people and families with common ethnic or cultural features, established in a particular region and who poses a basic organization through which they collectively produce food and other bartering goods, for self-consumption or marketing.

d. Recording: It is the gathering and protection of significant information on family farming units, voluntarily recorded by its holders as a worn declaration regarding qualitative and quantitative aspects of production.

e. Vulnerability: It is the condition or group of factors derived from gender, age, ethnic group, health or socioeconomical condition which limits or prevents a person or group of people to access goods or enjoy their basic rights.

Article 6.- Scope of Application

The provisions of the laws on family farming shall be applied within each country, in a national, regional, or local level and for all its inhabitants, entities, and public authorities. The beneficiaries of the rights and

obligations stated in such laws are individuals and legal entities involved in family farming, entitled due to their individual or collective interests.

Article 7.- Interpretation

The interpretation of the contents of the Law herein, as well as the enforcement by authorities, shall be in line with the applicable international instruments on the subject for each State, Constitution, and national regulations.

When facing controversy due to multiple interpretations, the governing principles shall be reviewed and the wider interpretation criteria shall prevail, if the question entails protected rights.

CHAPTER II – SPECIFIC PROVISIONS

Article 8.- Specific Objectives

a. To acknowledge the specifics of the different types of family farming and strengthen its potential as sustainable and inclusive food farming systems.

b. To contribute to food security by increasing access to quality and sufficient food aimed at production family units and society as a whole.

- c. To respect and strengthen cultural and productive diversity of communities and regions.
- d. To contribute to rural rooting and local development, as well as to avoid or reduce internal migration to larger cities.
- e. To reduce poverty in the rural sector through a better use, preservation and sustainable management of the land and other natural resources by family farmers.
- f. To give priority to access to land and proper legal owning of the holdings of family farming producers.
- g. To promote biodiversity preservation, sustainable use of genetic material and technology, as well as access to information, training, and financing for the development of productive family units and stable and equal marketing.
- h. To establish conditions that enable the development of sustainable systems of family farming, considering local supply and demand, with quality, sufficient amount, and timely access.
- i. To promote seed security for family farming through sustainable systems for quality seeds that ensure the

physical and economical access in the right moment to healthy seeds of the varieties required and in sufficient amount to fulfill their farming necessities.

Article 9.- Operational Objectives

a. To coordinate public policies and government programmes that involve family farming, with a comprehensive, cross-discipline, and cross-sectorial approach that tangibly reaches production units.

b. Under the foregoing premise, to develop specific programmes regarding:

b1. Technical support and agricultural training for family farming production.

b2. Marketing.

b3. Networking.

b4. Rural employment and entrepreneurship.

b5. Financing.

b6. Price assurance.

b7. Insurance.

b8. Sello campesino.

b9. Public purchasing.

b10. Seed security.

b11. Gene pool.

b12. Irrigation.

b13. Environmental management.

- b.14 Technological Research and Innovation.
- b.15 Information Systems.
- b.16 Income diversification.
- b.17 Generational takeover.
- b.18 Gender equality.

c. To provide infrastructure and services for families devoted to family farming to access basic water services for consumption and irrigation, sanitation, electricity, health, education, and leisure.

d. To develop programmes for training, technical support, and affordable financing for production, transformation, conditioning, and marketing of the yield of family farming.

e. To encourage networking and cooperation of family farmers and to implement programmes on technical and corporate management.

f. To promote family farmer participation in domestic and international fairs, including them in trade attempts carried out by each State.

CHAPTER III - STATE OBLIGATIONS

Article 10.- Duties and Obligations of States

a. To respect, protect, and help individuals and communities to develop family farming activities in every regard and location. These obligations prevail during armed conflict, emergency situations, and natural disasters; thus, States must guarantee its compliance.

b. To report, monitor, control, and assess the State's activity regarding family farming.

c. To create and manage family farming records.

d. To promote family farming through:

d1. Agricultural research regarding family farming, making it easier for family farmers to adopt innovations and good practices.

d2. Technical support, consulting, and technology transference.

d3. Required support and infrastructure for conditioning, storage, transportation, exhibition, and marketing of the products in local markets and agricultural trade shows, including bartering between productive family units.

d4. Professional training right for each member of the family group, as well as for peasant

and native communities, aimed at developing their production, management, organization, planning, and drafting capabilities in terms of family farming.

Article 11.- Legal Protection

The State shall review the relevance of the administrative and legislative framework and shall adopt the timely actions to guarantee that the activities of the other private parties of the competition do not obstruct or damage the fulfillment of the rights of family farming holders.

Article 12.- Resource Allocation

The national budget of the State and local governments shall allocate the required resources for the implementation of programmes for strengthening family farming.

Article 13.- Priority

The State and local governments shall give priority to higher vulnerability individuals, families, and communities, especially considering women who are household heads, young people, and indigenous rural population.

Article 14.- Focus

For the purposes of the article hereinabove, social, economic, geographical, and cartographical information systems shall be developed, to identify the more vulnerable groups and households in terms of way of living and family farming.

Article 15.- Information

The State shall timely inform the population of the rights herein stated and the enforcement regulations, when they enter into effect, as well as other adopted measures to promote and encourage family farming.

For such purposes:

- a. The proper methods shall be used to communicate the information, including using the local language and dialects, through the means used by the communities. This is especially true for communities in remote areas and population with high levels of illiteracy.

- b. A simple, fair, and accessible procedure that allows people to gather relevant information on family farming shall be deployed.

- c. The required information shall be provided by the relevant public authorities.

Article 16.- Education

Information and knowledge on family farming shall be included in the all school level syllabuses: primary, high school, professional, technical, and adult, following the level of specific detail that each level and teaching mode entails.

Article 17.- Legislation

The State shall appoint the competent public authority on the subject of family farming. Such authority shall present to the Legislative Power, within the stated period, a proposal for regulations and statutes for the country and regions, if applicable.

CHAPTER IV – GOVERNING ENTITY**Article 18.- Governing Entity**

The State shall establish the governing entity for the promotion of family farming to become the central coordination entity for the implementation of national policies on the subject and the enforcement of associated programmes.

Has a specific entity not be created, the ministry of Agriculture of each State shall be held liable for this function.

Article 19°.- Obligations

The governing entity, to fulfill its obligations, shall:

- a. Apply the human right principles included in the law, treaties, and other applicable international legal instruments.

- b. Promote and develop family farming, considering its importance for food and nutrition security, as well as for protection of biodiversity, sustainable use of natural resources, actions to reduce and adapt to climate change.

- c. Define the strategies and develop the programmes that allow for the fulfillment of this regulation.

- d. Closely work with the representatives of civil society to take into consideration their opinions, while respecting historical practices of the communities.

Article 20.- Commitments

The attributions and commitments allocated to the governing entity for the coordination and fostering of family farming shall be subject to the regulations and circumstances of each country.

Without perjury of the foregoing, the main commitments are:

a. To draft, adopt, and review national policies in terms of family farming, ensuring that they are in line with the provisions of the framework law “Right to Food, Food Security and Sovereignty”, passed by PARLATINO on December 2012.

b. To provide consulting for the Government and to enforce policies and strategies for the development of family farming, coordinating the activities and parties involved on a national, regional, and local level.

c. To determine the proper benchmarks to assess the progress in the enforcement of the Model Law on Family Farming. Benchmarks must be specific, verifiable, and time-restrained.

d. To gather the relevant information and ensure it is shared with all parties, in the proper format and with the proper content for it to be available and understood by a wide range of individual, group or institutional users.

e. To offer suggestions to harmonize sectorial policies and to give recommendations for the required changes

derived from the data gathered during the participation and audit process.

f. To establish priorities and coordinate resource allocation in agreement with such priorities.

g. To present before the competent entity or applicable State agency, proposal to draft laws, provisions, regulations, or policies relating to family farming or to amend the current laws, regulations, or policies on the subject.

h. To report to parliament regarding the state of enforcement of the Model Law on Family Farming and the Law on the Right to Food, Food Security and Sovereignty, if applicable, as well as the final remarks of the auditing agencies of international treaties who have assessed the country on the subject.

Article 21.- Plurality

The coordination and decision-making processes shall reflect the cross-sectorial nature of family farming; thus, involving government representatives, civil society, private sector and industries, academia, universities, and research and statistics institutions. Governmental representatives shall be high-level officers, ensuring family farming receives the adequate priority. The

Law shall govern the involvement of non-government representatives.

CHAPTER V - AUDITING SYSTEMS

Article 22.- Monitoring

An embedded auditing system which, taking into account the type of existing institutions, their scope and capabilities, forces authorities and all-level entities to:

- a. Gather data regarding family farming, using auditing methods and processes that are in line with the principles of human rights.
- b. To itemize gathered data by age, sex, situation, and group.
- c. To assess the reached progress in terms of family farming in the country.
- d. To establish or identify early warning mechanisms.
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Article 23.- Outside Assessment

The auditing system shall be led by a specialized, autonomous, and outside agency, with the necessary human and financial resources and credibility to ensure the effective auditing and monitoring of the compliance with regulations and principals regarding promoting the way of living and production using family farming.

CHAPTER VI - REPRESENTATION AND INVOLVEMENT OF CIVIL SOCIETY

Article 24.- Involvement

The State shall oversee that the relevant institutions enable full and transparent involvement of the private sector and civil society, and particularly representatives of the most vulnerable groups.

Article 25.- Opinion

The opinion of civil organizations involved with the subject shall be considered when drafting the family farming policies or programmes, as they may influence the enjoyment of rights or that of their components.

Article 26.- Mandatory Consultation

For achieving the foregoing article, the State shall establish measures to guarantee that consulting processes to examine specific areas of the Model Law on

Family Farming, and periodic open hearings are carried out. For such hearings, advances on the enforcement of the Law shall be reported.

Article 27.- Representation

To guarantee an effective representation of the representatives of civil society, the selection process shall require participation, transparency, and non-discrimination.

Article 28.- Selection

To ensure a fair representation, the following shall be considered:

- a. The ability of the group to represent the relevant communities.
- b. The size of the group they represent.
- c. The geographic features (suburban, rural, lake, etc.).
- d. The technical abilities of the organization regarding right to food and family farming production.
- e. The ability of the group to organize.
- f. The balance in terms of gender and age.

g. The balance in terms of specific activities and interests (farmers, indigenous peoples, fishers, local communities, forestry communities, etc.)

CHAPTER VII - ADMINISTRATIVE AND LEGAL PROCEEDINGS

Article 29.- Administrative Appeals

Regulations shall state efficient and reasonable, in terms of time, administrative proceedings.

Administrative decisions or actions which imply a violation of the law provisions or derived regulations, as well as failing to comply with an obligation associated to such provisions, shall be appealed before an upper administrative authority who must take a stand.

The highest authority shall be competent to impose the measures deemed necessary to leave the appeal action without effect and repair the violation.

Article 30.- Legal Proceedings

Administrative judgements shall be appealed by a judicial proceeding before the competent court.

CHAPTER VIII - BUDGET

Article 31.- Funding

The implementation of the Law shall be funded with the budget of each State and involved agency, in accordance with the applicable legal provisions.

La impresión de este ejemplar de la Ley Modelo de Agricultura Familiar del Parlamento Latinoamericano y Caribeño fue elaborada con el apoyo del programa Mesoamérica sin Hambre impulsado por la Organización de las Naciones Unidas para la Alimentación y la Agricultura (FAO) y la Agencia Mexicana de Cooperación Internacional para el Desarrollo (AMEXCID).