



**Food and Agriculture  
Organization of the  
United Nations**

# **LAW, CLIMATE CHANGE AND AGRICULTURE**

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# INTERNATIONAL LEGAL FRAMEWORK

## STATE OBLIGATIONS

- **UNFCCC** (Rio, 1994).....reduce GHG emissions, same for all, top-down  
“The ultimate objective ... is to achieve... stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.” (Art. 2)

- **PARIS AGREEMENT** (2015) differentiated responsibilities, bottom-up

*Broadened scope: sustainable development, safeguarding food security, human rights, adaptation and finance flows.*

*Concrete collective goal: to limit increase in global temperature to well below 2°C and to strive to limit increase to 1.5°C by end of century*

*Legal obligations for countries:*

1. Submit Nationally Determined Contributions, regularly updated and increasingly ambitious
2. Submit National Adaptation Plans

## PARIS AGREEMENT: NATIONALLY DETERMINED CONTRIBUTIONS

**MITIGATION:** reducing GHGs emissions, and enhancing carbon sinks

Country-driven: level of ambition and type of actions are a matter for countries, BUT:

International review: transparency framework

Regular updating and reporting, at least every five years

Obligation of non-regression

98% of countries positioned agriculture as a priority adaptation area (98%)

**Implications for legal/constitutional framework :** legal certainty, sufficient status, judicial oversight, constitutional implications, investment agreements, rights compliance, delivery and accountability at the national level

**ADAPTATION:** adapting to impacts, increasing resilience

More country-specific

Especially relevant for developing countries

Now equal goal with mitigation

Countries to engage in adaptation planning, including developing 'adaptation plans': country driven processes

## KORONIVIA DECLARATION ON JOINT WORK ON AGRICULTURE (COP 23 2017)

**Recognition of important contribution of agriculture to climate change, and above all, the effects of CC on agriculture.**

**Broadening the conversation on AGRICULTURE; from its former scientific and technical focus on how to mitigate and adapt for climate change**

**Landmark decision; now official space for global discourse and policy development on agriculture and climate change**

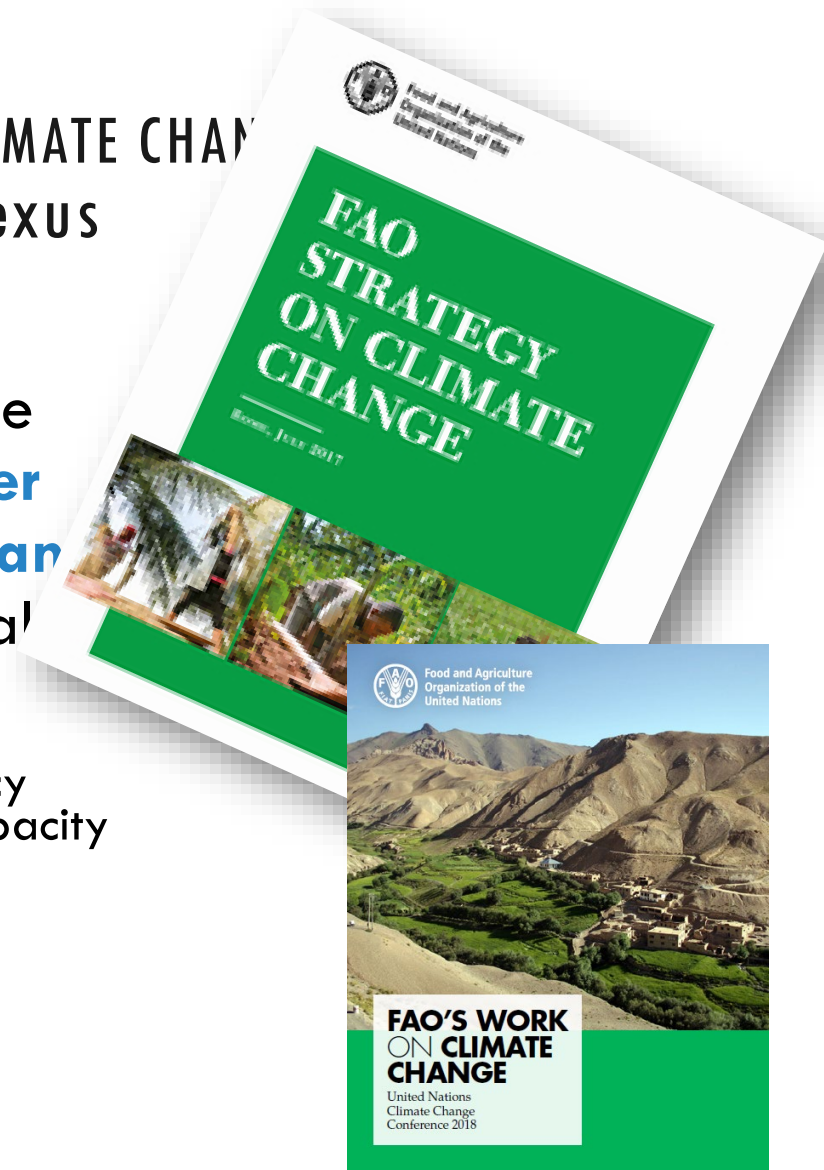
- Parties now have to work on:
  - Modalities for implementation;
  - Methods and approaches for assessing adaptation, adaptation co-benefits and resilience;
  - Improved soil carbon, soil health and soil fertility under grassland and cropland as well as integrated systems, including water management;
  - Improved nutrient use and manure management towards sustainable and resilient agricultural systems;
  - Improved livestock management systems;
  - Socioeconomic and food security dimensions of climate change in the agricultural sector.

**COP November 2020: Report on progress and outcomes of the KJWA expected**

# FAO TECHNICAL SUPPORT WORK ON CLIMATE CHANGE The Food - Agriculture - Climate Nexus

FAO's Strategy on Climate Change focuses on **supporting smallholder producers to adapt to climate change** and making the livelihoods of rural populations more resilient.

**One objective:** Support to countries in policy sphere and in strengthening institutional capacity to deliver on adaptation and mitigation commitments in food and agriculture



<http://www.fao.org/3/a-i7175e.pdf>

<http://www.fao.org/3/CA2607EN/ca2607en.pdf>

# FAO SUPPORT TO MEMBER NATIONS TO CREATE/ADAPT THEIR LEGAL FRAMEWORKS

- **Develop enabling conditions** for tangible and enduring action for climate change and agriculture sector
- **Formulation of the required legislation** for addressing climate goals in agriculture sectors
- **Promoting integration of policy issues and coherence** across food and agriculture sector
- **Supporting development of sound institutional frameworks** to address climate change and agriculture policy goals
- **Tailoring legal frameworks** to circumstances, challenges and needs
- **Multidisciplinary, participatory, tailor-made, independent**

# HOW?

## Law and Climate Change Toolkit

- UNFCCC, UN Environment, Commonwealth Secretariat initiative
- **FAO: Agriculture, Land Use and Forestry Module**

FAO: Technical and legal expertise in area of food and agriculture, food security and nutrition, management of natural resources

## Our Strategy

- Focus on supporting **climate smart agriculture** with laws, regulations and sound institutional frameworks
- Sustainable land use and management
- Sustainable forest management
- Sustainable livestock production



# Law and Climate Change Toolkit

Logged in as **fabiano.deandradecorrea@fao.org**



A global resource to help countries develop legal frameworks for the effective implementation of the **Paris Agreement** and their nationally determined contributions

[Learn more](#)



## Legislation Explorer

Search legal provisions of climate change laws from across the world.



## Legal Assessment

Identify potential gaps and areas for improvement, priority areas for climate law review and potential areas for reform.



## Assessment Profile

Customize suggestions from legal assessment by adjusting relevant factors for assessed country, such as type of legal system, population, GDP etc.



## Lessons Learned

Building a 'community of practice' for policy makers.

*Coming soon*



# TOOLKIT: LEGISLATION EXPLORER

- Comprehensive database of laws from all over the world;
- Taxonomy organized in three tiers; and
- Legislation “tagged” down to the level of specific provisions, to provide examples of how countries legislate for specific issues.

# Legislation Explorer


1 - 10 of 76 results

[«](#) [1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [»](#)


## Climate Change Response Act 2002 (Law)

 New Zealand, 2002**Legal Area:** Dedicated climate laws and governance


## Electric Light and Power Act (Law)

 Barbados, 2013**Legal Area:** Energy production and renewable energy laws

## Kenya Climate Change Act (Law)

 Kenya, 2016**Legal Area:** Dedicated climate laws and governance

## Conservation and Climate Adaptation Trust of Seychelles Act (Law)

 Seychelles, 2015**Legal Area:** Dedicated climate laws and governance

## Carbon Farming Initiative Amendment Bill 2014. No 119, 2014 (Law)



## Filter legislation

### Select Legal Area

Return results that match any of the selected legal areas.

- ☐ Dedicated climate laws and governance  
[Select all](#) | [Deselect all](#)
- ☐ Mitigation strategies, targets, budgets and measures  
[Select all](#) | [Deselect all](#)
  - ☐ Emission targets-in law
  - ☐ Emission targets – duty to set
  - ☐ Emission targets- mechanisms for setting and amending
  - ☐ Provision for carbon budgeting
  - ☐ Non-quantitative mitigation measures/standards
  - ☐ Strategic plan on mitigation
- ☐ Adaptation measures  
[Select all](#) | [Deselect all](#)
  - ☐ Provisions for climate risk and vulnerability assessments
  - ☐ National strategies/plans for adaptation and climate resilient development
  - ☐ Mandate to government to develop strategies, plans or regulations on adaptation
  - ☐ Provision for adaptation consultations
  - ☐ Mechanism for setting of adaptation standards
- ☐ Establishing or designating national climate bodies and functions  
[Select all](#) | [Deselect all](#)
  - ☐ Coordination body on climate change
  - ☐ Inter-agency body on climate change

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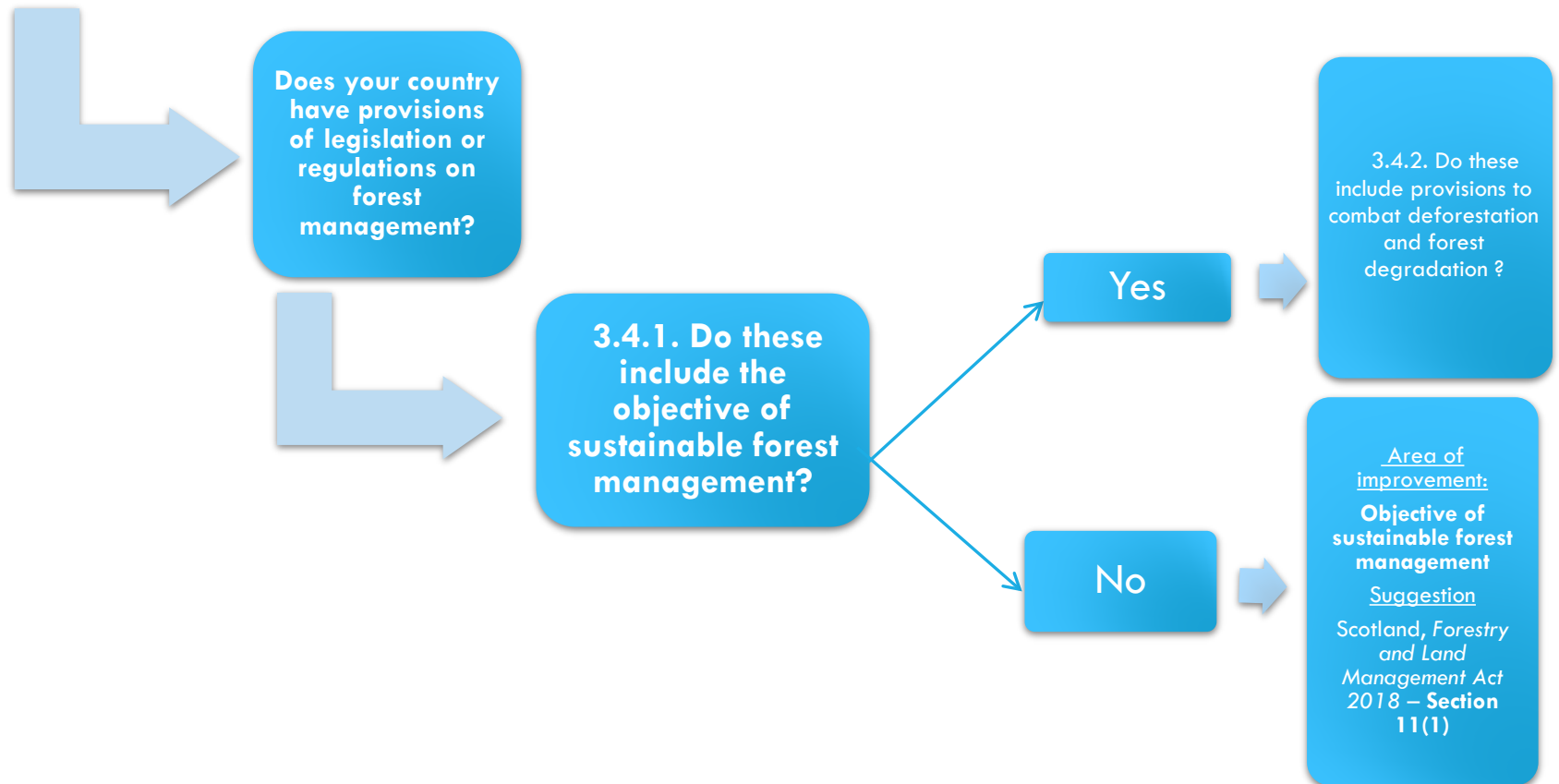
*Coming soon*

# TOOLKIT: LEGAL ASSESSMENT

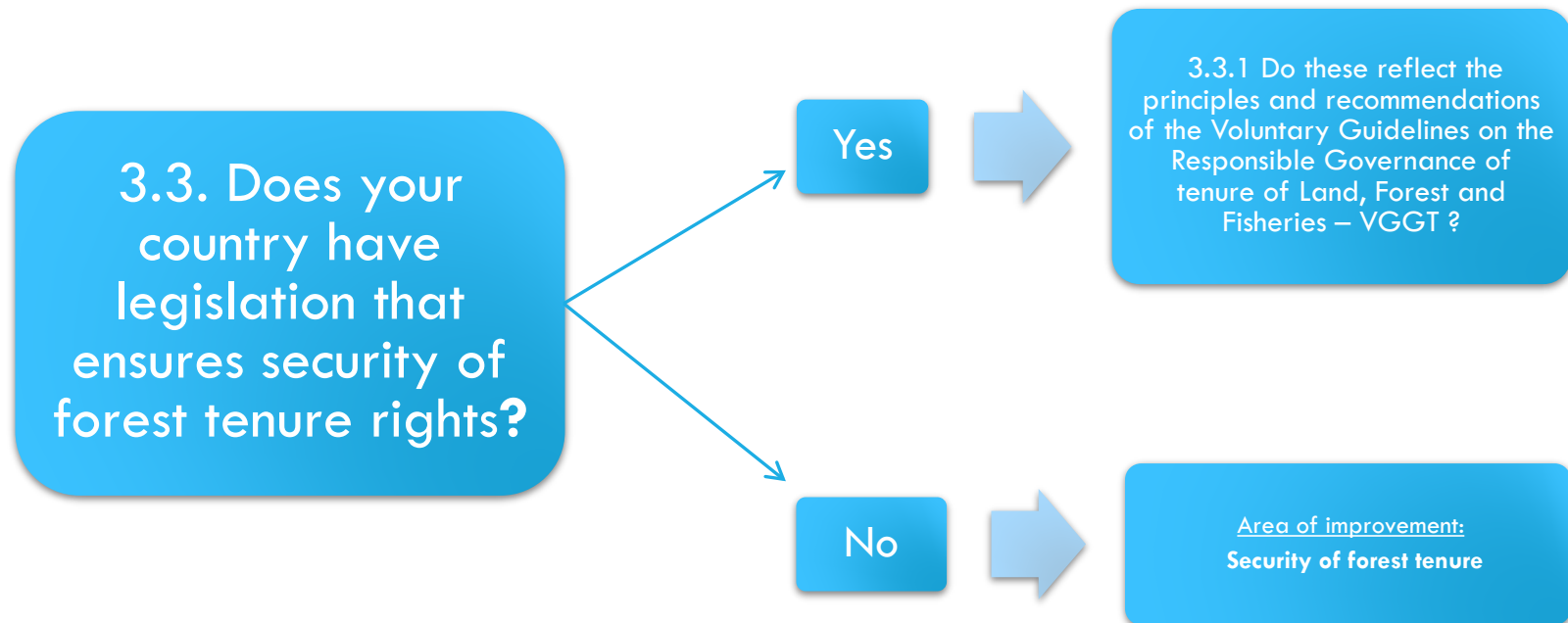
- Sections:
  - I. Agriculture (crop and livestock) *completed, available online*
  - II. Land use and management *completed*
  - III. Forestry *completed*
  - IV. Fisheries *being developed*
- Interactive questionnaire for each section.
- Three tiers of questions to identify the potential “*areas of improvement*” for an enabling legal framework.
- Assessment results that lead to suggestion of provisions from national laws in the database for each “*area of improvement*”.

## SECTION III - FORESTRY AND CLIMATE CHANGE

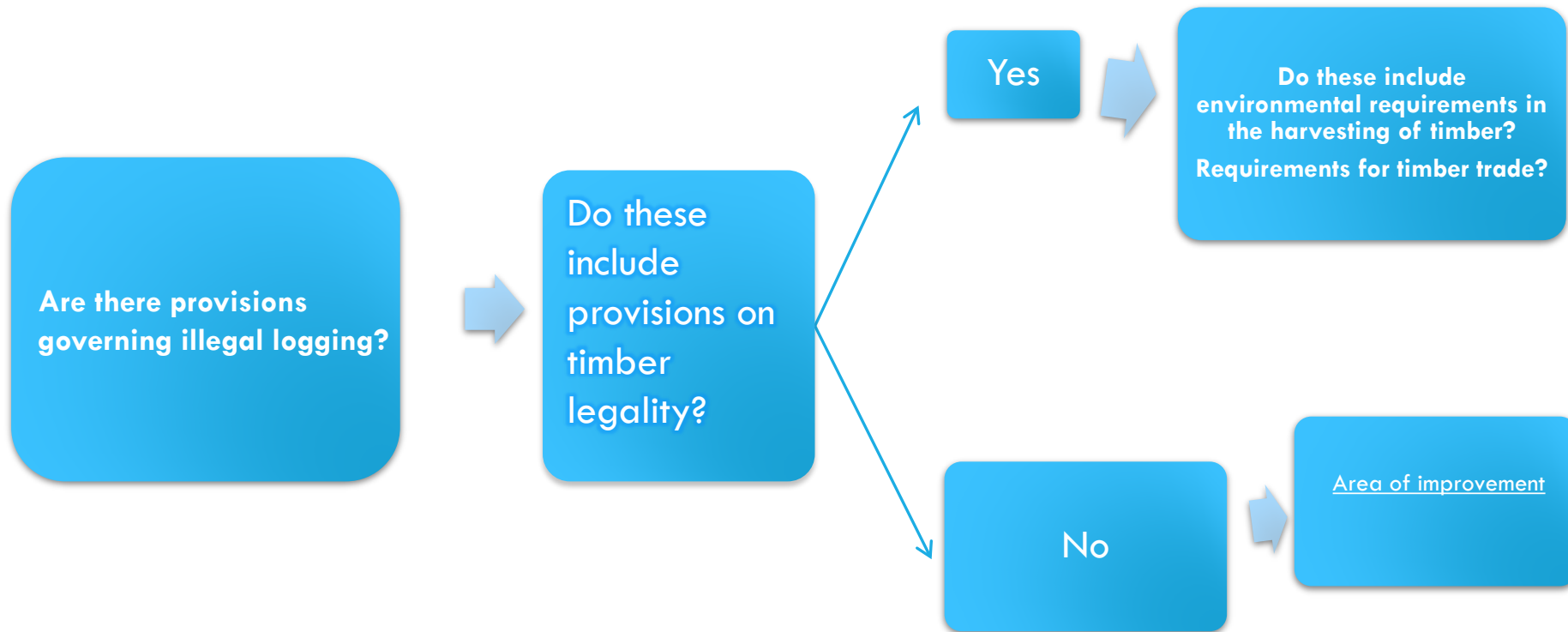
### Forestry and climate change



## Section III - Forestry and Climate Change

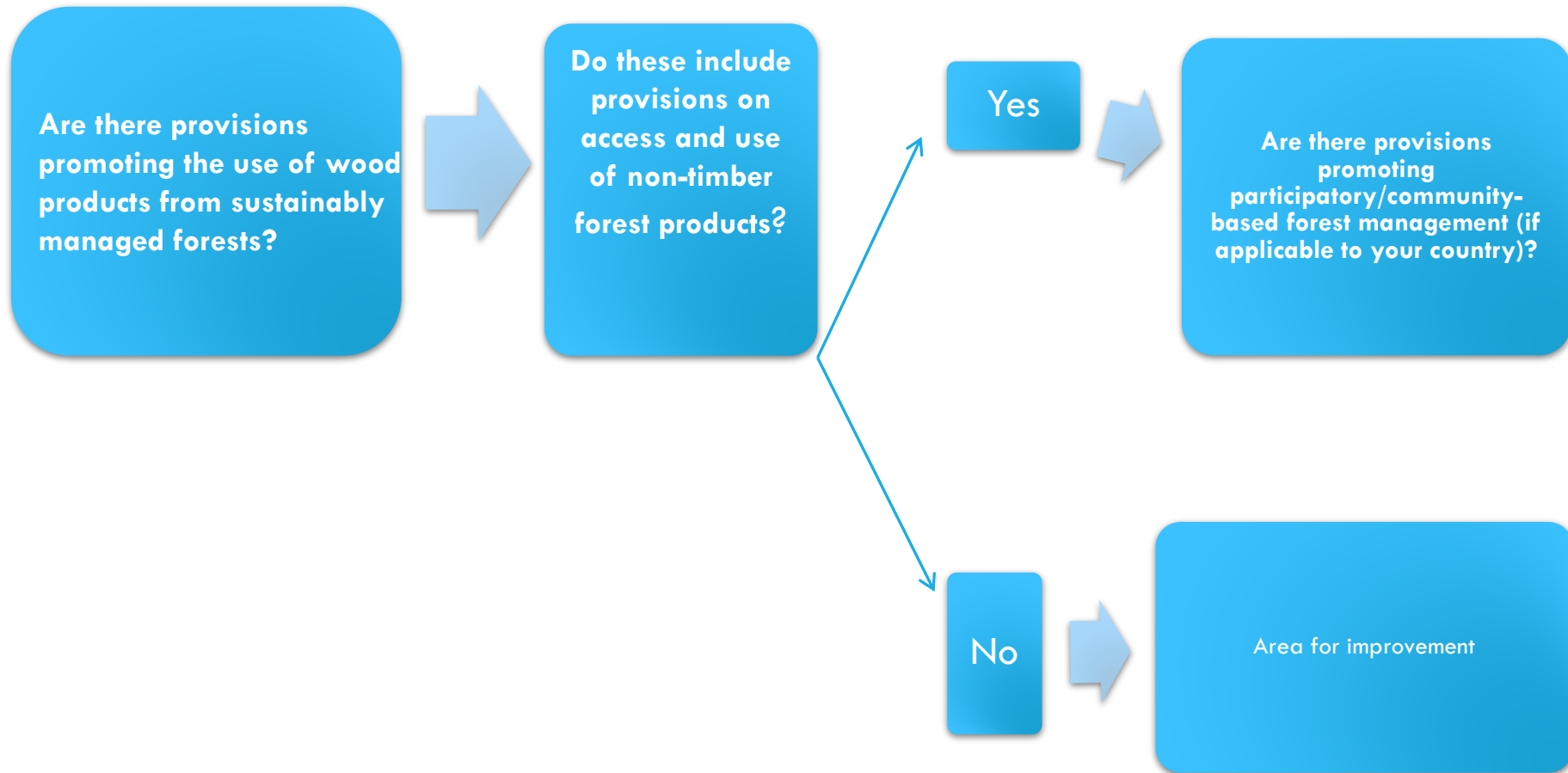


## Section III - Forestry and Climate Change





## Section III - Forestry and Climate Change



## Section III - Forestry and Climate Change



Angola

1

Category

2

Areas of improvement

10

Suggested examples

Based on your assessment, the following priority areas  
are suggested for reform:

### Dedicated climate laws and governance

#### Mitigation strategies, targets, budgets and measures

Does your country have other legislation containing emissions reductions targets or carbon budgeting measures?

Yes

No

Key Terms

• Emission targets-in law | Provision for carbon budgeting | Non-quantitative mitigation measures/standards

0 Suggestion

#### Adaptation measures

Does your country have a specific law (or provisions that are part of a broader law) relating to climate change adaptation?

Yes

No

Key Terms

• Provisions for climate risk and vulnerability assessments | National strategies/plans for adaptation and climate resilient development

10 Suggestions

[Philippine Disaster Reduction and Management Act \(RA 10121\) - Section 6. Powers and Functions of the NDRRMC](#)



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For further information please contact  
Ms Valerie Johnston, Development Law Service, FAO  
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<http://faolex.fao.org/>

THANK YOU