



# STATUTE OF FAMILY FARMING IN PORTUGAL

Decree-Law N° 64/2018 "Decreto-lei N° 64/2018"

Case study

**PORTUGAL** 

This Case Study is part of the project
"Conduct mapping and document case studies on family farming
in the region of Europe and Central Asia to enhance knowledge
exchange through good practices"

STATUTE OF FAMILY FARMING IN PORTUGAL - Decree-Law N° 64/2018 - PORTUGAL

# How to cite this publication:

FAO and UNIMED 2023. Conduct mapping and document case studies on family farming in the region of Europe and Central Asia to enhance knowledge exchange through good practices. Case Study Portugal.

# **Summary**

Historically, the political discourse of family farming in Portugal has associated family farming with subsistence-oriented smallholdings and non-professionalization of the activity (Dinis, 2019). In this light, Family Farming (FF) has been situated in direct opposition to the modernisation paradigm in agriculture set to make the sector more competitive. In the 30 years before the application of the Statute of FF, these beliefs were present in the application of the agricultural measures, forcing farmers to abandon their activity in small and medium holdings. The Annual Farm Surveys confirms that the population of Family Farms dropped from 20% of the resident population in 1989 to only 6% in 2019 and the reduction of the population of Family Farms had similar expression between men and women (AFAVEL(a) 2021:21).

In an attempt to valorise this declining form of farming, the Statute of FF was designed and adopted in 2018 in response to targeted and more persistent pressures from FF supporters that emerged from the efforts along the Declaration of the International Year of Family Farming (IYFF) in 2014. The National Confederation of Agriculture (CNA), as the institution protecting small and family farming in 1978, laid out the Charter of Rights for FF in a Statute proposal that served as the ground base to the Statute of FF. The Inter-ministerial Commission for Small Family Farming was formed to assume the task to assist the Ministry of Agriculture (MoA) in the definition of a set of recommendations and measures to enhance FF and provide a draft Statute. These two documents guided the MoA and the Office of Planning, Policy and General Administration (GPP) in the formulation of the Statute under Decree-Law No.64/2018, on 7 August.

However, effective implementation of the Statute has not taken place as FF do not seem to see benefits from acquiring such recognition title. Instead, the process appears burdensome and unproductive for FF, possibly shedding light to the inadequacy of the measures aimed at benefitting Statute holders. The lack of a proper administrative umbrella overseeing the policy process plus the meagre commitment by government leaders are deemed to play a relevant role in the stagnation of this policy.

The capacity to increase the viability and sustainability of the Statute of FF in Portugal requires that the policy process come closer to FF needs and involve them in the design of supporting measures. The research and knowledge gathered in this case study and other works presented in this report hint at the necessity to prioritise a clear strategy for the implementation and monitoring of the Statute of FF, and any other policy instrument, created to support FF.

## Researcher of the University of Evora (Portugal):

Paola Hernández

#### Introduction

Family Farms play an important role in the economy of families and are a significant element in the well-being of rural communities. Besides their contribution to food security, they generate income and employment and have a positive effect in the social vitality of the countryside, the sustenance of rural landscapes and the preservation of biodiversity (Dinis, 2019). Nevertheless, the profile of the agricultural sector in Europe, also evident in Portugal, has experienced the continuing decrease in number of small holdings and a higher concentration of land. In 2016, small-sized farms (< 5 hectares) represented 73% of the total number of holdings in Portugal but occupied less than 10% of the Utilized Agricultural Area (UAA), much higher than the EU mean percentage (66%). Farms over 50 hectares – representing only 4% of the total number of farms – occupied over two-thirds of the national UAA (68%), a slightly lower mean value than in the EU: 69% (INE 2021:150)<sup>1</sup>.

With the UN Declaration of the International Year of Family Farming in 2014, Family Farming (FF) was situated in the Portuguese policy arena for its relevance in rural development and territorial cohesion, especially for promoting sustainable food systems, to mitigate climate change effects, and to revitalise rural regions. The Directorate-General for Agriculture and Rural Development (DGADR), within the Ministry of Agriculture, was assigned as the governmental body to accompany in the last decade an array of public and civil society efforts to strengthen FF in Portugal, with the support of the National Rural Network (Rede Rural Nacional), various local development associations (e.g., ANIMAR, MINHA TERRA, etc.), producers' groups, non-for-profit organisations, and research units. Efforts emerged from the widely recognised need to adapt the EU Common Agricultural Policy (CAP) to positively discriminate family farms and heighten their relevance for smart, sustainable, and inclusive growth, in line with the European project. Moreover, following the momentum towards the strengthening of the position of family farming worldwide, there was an urgency to address the increased decimation of numbers in the population of family farms in the country<sup>2</sup> (INE 2021:140).

The creation of the Statute of Family Farming in 2018 (Decree-Law N.º 64/2018) marked a milestone in this direction, which derived from the collective action of a consultative Working Group for the Statute of Family Farming with the task to propose a series of recommendations and draft the Statute (Order n.º 8078/2017) plus the input by other governmental elements. Once created, the DGADR and the newly formed National Committee on Family Farming (CNAF) were designed as the legal bodies responsible for overseeing the Statute's recognition process. In addition, negotiations with the European Commission over the "Strategic Plan for the Portuguese Agriculture" (PEPAC) in 2021, by the GPP (Office of Planning, Policy and General

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<sup>&</sup>lt;sup>1</sup> It is worth noting that historically, family farming has been identified with subsistence-oriented smallholdings (*minifundio*) in opposition to large-scale farming relying on wage labour (*latifundio*). Although this discrepancy is less clear-cut nowadays, as different types of farming exist in praxis, family farming is associated with small area and small economic size, and the terms 'family farm' and 'small farm' were used interchangeably within the Portuguese Rural Development Programme (PDR) 2020 that corresponded to the period 2014-2020 (Dinis, 2019:4,8). According to this author, family farming in the Portuguese political discourse lacks a rigorous definition. <sup>2</sup> According to Dinis (2019), farm households with no 'other gainful activities or pensions decreased from 11.5 percent of the total number of family farms in 1989 to 5.8 percent in 2016, pg.5.

Administration), highlighted the importance of "family farming" and "vulnerable territories", including the preservation of nature, landscape qualification, the economy, and territorial cohesion (AFAVEL(a) 2021:18). Nevertheless, no significant changes in policy instruments have been introduced yet.

The DGADR defines family farming as "a way of organizing production activities, managing the environment, and supporting social life in rural territories based on a family farm holding" (AFAVEL(b), 2021). A family farm holding is considered in the Statute of Family Farming as a holding where family labor, measured in annual work units (AWU) – aka. full-time equivalent employment, or 1920h work/year ("Orientação Técnica" 2021) – accounts for more than 50 percent of the total farm labor force (Decree-Law N.º 64/2018). This concept resembles the FAO definition of 'family farm': any farm under family management where 50% or more of the regular agricultural labour force is provided by family workers (Eurostat, 2020).

Today, academic debates distinguish two types of Family Farms in Portugal: a) "small family farms producing goods for consumption by the family and its proximity networks, based on the care of the land" (often known as "subsistence agriculture", despite generally representing families with different sources of income); and b) "small and medium family farming inserted in the markets" (AFAVEL(a) 2021:21, Cordovil 2021:6). As an economic unit, family farming can be conceptually defined in Portugal by means of a) family labour; b) family as a management unit; c) size of farm holding (aka. "small-scale agriculture") (AFAVEL(a) 2021:10). Family farm labour, made up of the producer and her/his household, contributes to more than 2/3 of agricultural work in Portugal, as argued by the same report. However, according to the agricultural census, regular and seasonal salaried agricultural labour increased 30.7% in the last 10 years to account for 28.7% of the total labour (18.8% in 2009), while agricultural services contracting (aka. hired farming services from an agricultural business, such as mechanical harvest or pruning, etc.), although representing 3.3%, increased by 159.9% compared to 2009 (INE 2021:136).

In 2016, the population of Family Farms in the 28 member states of the European Union totaled 18.4 million individuals, of which 575,000 resided in Portugal, corresponding to 5.6% of the national population<sup>3</sup> (INE 2021:161). The family farm population is understood by the Portuguese agricultural statistics as "[a]ll persons who are part of the holder's household, whether they work on the holding or not, and other members of the household who do not belong to the household but take part regularly in the farm work on the holding" ("População Agrícola Familiar", 2005). Data collected from the Annual Farm Surveys confirms that the population of Family Farms dropped from 20% of the resident population in 1989 to only 6% in 2019 and the reduction of the population of Family Farms had similar expression between men and women (AFAVEL(a) 2021:21). The weighting of this evolution by the resident population is argued to only accentuate the combined effect of three factors: i) the relative demographic reduction, ii) the continued link to the land by an increasing aging population, and iii) the limited economic opportunities of the active residents in the inland territories of mainland Portugal (ibid.).

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<sup>&</sup>lt;sup>3</sup> According to Dinis (2019:4), the term 'family farming' has also not been specified within the European context: "The European Union [...] has never defined the concept precisely, frequently using the legal status of the farm as the sole criteria to identify family farmers. In the Eurostat Farm Structure Survey, normally, the family farmer is the sole holder, often (but not always) registered for statistical and policy purposes as a farmer but not constituting a legal business entity (Davidova and Thomson 2014)".

In the EU, additionally, young farmers / young agricultural entrepreneurs (under 40 years old) represent only 10% of family farm holdings – in Portugal this age group did not exceed 3.3%. In 2016, Portugal was the EU country with the highest aging rate: 50.1% of family farm holders were 65 years of age or older (Eurostat, 2020), a value significatively much higher than the EU average (31.9%). Regarding the education level of FF managers in Portugal, 46% only completed the first level of basic education and 53% have exclusively practical agricultural training (INE 2020:16).

In rural areas, small-scale credit schemes and financial support are mainly provided to farmers through the EU Rural Developmental Fund and Pillar II of the EU Common Agriculture Policy, via the Rural Development Program adapted for Portugal (PDR2020). Measures specific for FF affect investments in farm holdings, investments in processing and commercialisation of food products, pluriactivity, short-food supply chains and local markets, young farmer, among others.

Until now, there is no clear family farming strategy in terms of access to social protection services. Nevertheless, the Regulation of Harvest Insurance and Claims Compensation (*Regulamento do Seguro de Colheitas e da Compensação de Sinistralidade*) foresees up to 60% of remuneration for FF Statute holders, and Measure 2.1.4. of the PDR2020 provides farming and forestry technical support specific for small farms. In the Autonomous Regions of the Azores and Madeira, a specific contribution scheme was created to support FF through Law n.° 29/2016. This scheme collects annual contributions from family farmers residing in these two archipelagos (based on a grading scale system) to guarantee social protection in the event of disease, occupational illness, parental leave, disability, and old age.

Growing support for FF in Portugal has gained track in the last decade through different local scale efforts promoting short-food supply chains and alternative food chains. For instance, research and advocacy has taken place to highlight the existing good practices promoting family farming, as well as to design political instruments that positively discriminate FF in public procurement contracts in schools and public canteens (Law 34/2019, 22 May). This Law intends to prioritise the purchase of local, seasonal, and high-quality foods in schools and public canteens managed by any of the services and/or organisms of the central administration, whether regional or local, as well as by high education institutions and publicly funded services. Specifically, family farming statute holders are given priority in the selection process among other environmental, and economic weighting factors.

In 2021, the Skills Centre for Family Farming and Agroecology (*Centro de Competências para a Agricultura Familiar e Agroecologia*, CeCAFA) emerged from an initiative led by the Portuguese Agricultural Confederation (CNA) to which other entities have joined (i.e., farmers' organisations, competing administration, education and research, local development, and civil society organisations). The CeCAFA aims to create a space for sharing knowledge and pooling existing resources and skills in the various entities that comprise it. It also seeks to reinforce research, the dissemination of knowledge, the promotion of innovation and the qualification of producers in the enhancement of Family Farming and Agroecology.

Moreover, FF debates in Portugal have mainly focused on farming activities, leaving aside other relevant activities affecting small food producers and rural development. Artisanal Fishing, for

example, is promoted today through an agreement between Spain and Portugal (see Decree 8/2012) and the issuing of artisanal fishing licences in the Azores (Regional Legislative Assembly 1/99/A), despite larger fleets and commercial fishing becoming the norm in recent years. Beekeeping is also a wide-spread activity throughout the country that has gained cross-sectorial support through the National Apicultural Programme (NAP) in 2016 (Order 286-A/2016). Nevertheless, only agriculture and animal farming are considered.

The case study selected for this study is the Statute of Family Farming enshrined in the Decree-Law N.° 64/2018, as it mostly aims at positively discriminating family farming and at promoting social and territorial cohesion. Additionally, this policy instrument is mainly related to two (2) Pillars defined in the context of the UNDFF GAP (Global Action Plan of the United Nations Decade of Family Farming 2019-2028<sup>4</sup>):

- Pillar 1. Develop an enabling policy environment to strengthen family farming; and,
- Pillar 5. Improve socio-economic inclusion, resilience and well-being of family farmers, rural households, and communities.

The hereby document is structured as follows: First, we present the methodology adopted in this case study research; second, we introduce the results from our analysis, following the five steps constituting the policy design process; third, we layout the conclusions from our study and provide some recommendations for the increased realisation of the Statute of Family Farming; and last, we provide a list of references used for the making of this report.

# Methodology

To identify the role of the actors, institutions, and ideas and/or knowledge determining the design process of the Decree-Law N.° 64/2018, which established the Statute of Family Farming in Portugal, we opted for two data source methods: i) desk data and ii) empirical data. The theoretical base for data selection was the policy cycle model that assumes the five policy design stages:

- 1. Agenda Setting
- 2. Policy Formulation
- 3. Policy Adoption and Endorsement
- 4. Policy Implementation
- 5. Policy Monitoring and Evaluation
- i) Desk data collection involved the review of available documents, which ranged from government and other stakeholders' reports, legal and judicial acts, technical reports and instruments, civil society declarations, academic texts, official statistics, dissemination materials (e.g., event brochures), project reports, digital media, news articles, websites, etc. Most documents dated nearly one decade (2010 onwards), which signals the relevance and interest that this topic has gained in the country after the Declaration of the IYFF in 2014. Desk data included mainly Portuguese sources, although some international documents were

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<sup>4</sup> https://www.fao.org/3/ca4672en/ca4672en.pdf

also considered (e.g., Legislative and regulatory frameworks for family farming by FAO, 2021; among others).

ii) *Empirical data* was collected from 22 July 2022 to 19 September 2022 using two methods: semi-structured interviews and participatory observation. Subjects were selected based on the recommendation from a knowledge broker in FF-related issues in the country. Table 3 includes the list of the data sources. Five semi-structured interviews were conducted to key actors related to FF (e.g. State actors, civil society representatives, knowledge brokers, and a family farmer organization). Each interviewee was selected to give response to a specific knowledge area (or policy design stage), based on the actors' expertise or involvement in the Statute's elaboration process. Interviewees were contacted via email and an agreed date and method was set up for the interview. Prior to interviews, a script was provided beforehand to each interviewee with open-ended guiding questions. The intend of this was to hint at what information it was expected to be collected during the interview. However, freedom was granted during interviews to give leeway to all respondents to feel comfortable and provide answers as best fit.

Two interviews were conducted in person, whereas the remaining three were conducted online via Zoom. Two interview attempts were denied for lack of knowledge. On average, interviews lasted about one hour, and all were recorded in audio format for further transcription. Transcription was done *verbatim* in Portuguese. The record of all interviewees' consent to record the interviews for the purpose of this project was included in the audio material.

Two events revolving around Family Farming in the Portuguese context enabled further collection via participatory observation: i) Presentation of the Final Report from a project seeking to expand knowledge on the state of Family Farming in Portugal (Agricultura Familiar: Conhecimento, Organização e Linhas Estratégicas"); and, ii) Presentation of project results on the contributions of Family Farming to the promotion of sustainable food systems and diets in Portugal ("Intercâmbio de conhecimentos e boas práticas de Agricultura Familiar: Plano de Ação para a Década da Agricultura Familiar em Portugal"). These events corresponded to project-linked meetings where results were presented, and relevant stakeholders gathered to discuss upcoming activities. Notes were taken in written from private conversations and public statements.

Information from interviews and events was iteratively confirmed after fieldwork with interviewees and external knowledge brokers, whenever we came across gaps and uncertainties. Further information and supporting documents were also collected from this latter process.

Table 3: Empirical data collection sources used in preparation of this report.

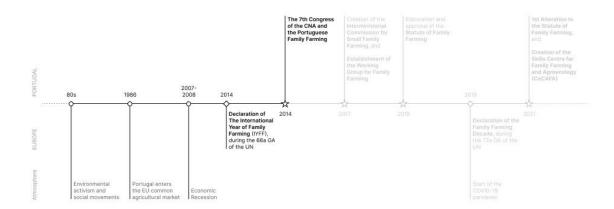
Data code	Data collection method	Stakeholder type	Affiliation	Date	Location	
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I1	Interview	Knowledge broker	University of Évora	22 July 2022	At interviewee's home, Évora
15	Interview	Civil Society	MINHA TERRA Federation (Portuguese Federation of Local Development Associations)	26 July 2022	Via Zoom
E1	Event	Civil Society	ACTUAR (Association for Cooperation and Development)	28 July 2022	Viseu
I3	Interview	Family farming organization	National Confederation of Agriculture (CNA)	29 July 2022	CNA headquarters, Coimbra
I2	Interview	State representative	Directorate- General for Agriculture and Rural Development (DGADR)	29 August 2022	Via Zoom
E2	Event	Civil Society	MINHA TERRA Federation (Portuguese Federation of Local Development Associations)	09 September 2022	School of Agriculture, Coimbra
I4	Interview	State representative	National Institute for Agricultural and Veterinary Research, I. P. (INIAV)	19 September 2022	Via Zoom

# The Portuguese case study - Decree-Law n. $^{\circ}$ 64/2018 establishing the statute of family farming

# **a.** Agenda Setting

Prior to the United Nations' (UN) declaration of the International Year of Family Farming (IYFF) in 2014, the topic of FF had been idle at the country's political stage. Three elements paved the way for the emergence of a national conversation: i) the accession of Portugal in the European common market, ii) the rising environmental and social awareness from the decade of the 1980s onwards, and iii) the economic recession of 2007/08. These events did not happen in isolation from one another and overlapped at times.



i. Portugal, along with Spain, became a full member of the European Economic Community (EEC) on 01 January 1986, following a lengthy process of synchronization and homogenization of its cultures and institutions with those of Europe. After a forty-year long authoritarian regime, Portugal was set to establish a democratic tradition that could overcome its foreign policy based on colonial relationships and to create the incentives for a change in the country's core economic, social, and cultural activities.

The Portuguese accession process presented a pragmatic approach to addressing the challenges posed by the Community. Portugal's route to the EU membership was dominated by the governing elites, rather than a response to popular demand, with only limited involvement by the business groups and agricultural interests. For this young democracy, the European cooperation represented a unique opportunity to diminish the barriers linked to a backward farming sector and to generate wealth for the economy. Entering a policy set at the European level and the liberalization of its domestic market would also safeguard Portugal's desired progress toward a growing competitive agriculture, while joining a common trade policy that supported the EU to negotiate as one, vis-à-vis global trading partners.

Being part of Europe implied falling under the umbrella of the European Common Agricultural Policy (PAC for its acronym in Portuguese), funded at the European level from the resources of the EU annual budget, and adapting to paradigm changes regarding modernization and rurality in Europe. In this light, improving agricultural productivity (while ensuring a stable supply of affordable food) and ensuring that EU farmers can make a reasonable living<sup>5</sup> became the goals for Portugal as well. State efforts to modernize Portugal pushed for the improvement of access to basic goods, such were education, health, community services, and road infrastructure, leading to the exodus of people from rural areas to urban centres in search of better lives.

ii. The oil crisis in the 1970s proofed limitation of a global food regime based on industrialized food production systems. By the 1980s numberless food scandals (e.g. madcow disease, chemical traces in food, etc.) and concerns on environmental deterioration and human health in Europe gave rise to public questions on food safety and food security in urban centres, including in Portugal. This led to larger debates on the sustainability of the food producing sector and ways to face the multidimensional challenges over the long-term viability of the agrifood industry, especially on the use of natural resources, the livelihoods of food producers, and food availability. In 1987, the World Commission on Environment and Development defined sustainable development as "development that meets the needs of the present without compromising the ability of future generations to meet their own needs" (Harris, 2003).

At the European level, the public diagnosis on the environmental situation, climate change, renewable energies and food in Europe gave rise to the creation of civil society movements during the 1980s. More sustainable food production systems, such as the organic, Slow Food, and Fair Trade movements among others, emerged during this political landscape. The 'back-to-the-land' movement also evolved as an option for reversing the course of the industry-based food production system. The aim was to protect the well-being of nature, citizens in food-dependent urban sites and food producers in the countryside, as well as to define alternative paths to producing food. Small-scale farming and family farming, in this context, rose as an interesting project for community members to support and tackle these issues, while also protecting cultural tradition and heritage. Despite this, political support followed suit much later to these pressures.

iii. The global economic stagnation caused by the financial crisis in the United States in 2007 compromised food security around the globe, carrying on in the decade ahead. In Portugal, unemployment and social inequality increased while austerity measures were being implemented by the European Union in countries with economic deficit, such were in Southern Europe. Domino effects were deeply felt until the mid 2010's by citizens across the socioeconomic strata in Portugal, and some analysts argue the situation has not been stabilized ever since. The Eurobarometer survey report from 2012 informed that Portuguese respondents held an outstanding apprehension about domestic food security and that financially vulnerable citizens were the most concerned about food security. Amidst this situation, Portugal experienced an explosion of initiatives seeking to feed urban centres and promote producers in the countryside. Promotion of short food supply chains, sustainable farming techniques, and

<sup>&</sup>lt;sup>5</sup> CAP, 2012:3-5.

<sup>&</sup>lt;sup>6</sup> Special Eurobarometer 389: "Europeans' attitudes towards food security, food quality and the countryside".

rural entrepreneurship grew thanks to larger support by the PAC and the European Development Programme, revalorizing the labour of small producers that until then had been disregarded. A 'back-to-the-land' movement by urbanites to the countryside in search of more affordable living closer to nature took place in Portugal during this time. Some of these 'new farmers' started working part-time in garden plots and revitalizing rural communities.

The European setting and the revalorization of the 'rural', paved the way for new conversations on small-scale production farms, rural development, and family farming. In Portugal, farmers also gained political weight and were able to put pressure on some of the political lobbies. These events created a favourable social and political setting to work on FF policies.

The UN Declaration of the IYFF in 2014 seemed to fit the glove under the ongoing social, economic, territorial, and political climate, especially in Portugal. On the territorial front, rural regions, especially in the center and Northern parts of the country, were left abandoned and depopulated with the rural exodus to the cities. The rural population that migrated to cities had remained connected to the land through family ties and land ownership. This gave them the stake to express their concern about this abandonment in national television programs and through local initiatives. The increase of forest fires in rural areas in recent decades additionally stressed the need to prioritize the conversation over the use of the land and address land abandonment effects. The raised awareness on the impact that climate change has over the rural landscape also required to think of smaller scale farming systems and better use of natural resources.

Family Farming appeared as one of the answers to supporting an aging farming population in Portugal. To revitalize the countryside, the development of economic activities in rural areas had to be done at the local level through the attraction of the young population, instead of attracting large agricultural companies. At the same time, the repopulation of the rural areas and food production at the small-scale had to become economically sustainable. Bearing in mind that the Portuguese government lacked the economic capacity to support the farming population through subsidies, making this activity profitable became imperative in both the PAC and Portuguese political discussions. Regarding human health, concerns on food quality and food safety arose as relevant issues for consumers, mainly in cities where people had greater awareness and purchasing capacity. As a solution to offset these effects from the industrial food regime and to support efforts to promote FF, the Portuguese government included the supporting measure for the promotion of short-food supply chains in the National Plan for Rural Development (PDR in Portuguese acronyms) of 2014-2020. The Order N.º 123/2021 providing the national rules for the recognition of multi-product producer groups <sup>7</sup> was part of these efforts.

Urban consumers' concerns plus the increasing threat of fires in rural regions activated the participation of civil society in the media and through local-based initiatives to bring afloat the state of family farmers, as well as the demands for more sustainable food production systems. At the managerial level, the Portuguese census of 2009 and national statistics helped inform decision makers of the situation in rural areas and served as evidence for future planning of policies for FF. However, any political tool aimed at addressing these issues had to contemplate the challenges of

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<sup>&</sup>lt;sup>7</sup> Order N.° 123/2021

FF in terms of land fragmentation; namely, the distribution of the rural territory in multiple, sometimes not registered, small properties.

In the case of Portugal, discussions about the definition of family farming vis-à-vis small-scale farming had dominated the debates previously, deaccelerating conversations on the creation of a political tool specific for family farms. FF was situated in the Portuguese policy arena for its relevance in rural development and territorial cohesion, especially for promoting the agricultural sector, to mitigate climate change effects, and to strengthen social and territorial cohesion. As part of the Global Monitoring Committee for FF, the Directorate-General for Agriculture and Rural Development (DGADR) took the lead to commemorate the IYFF in Portugal, on the initiative of the Ministry of Agriculture and the Sea<sup>8</sup>. For this purpose, an Honor Committee and an Executive Committee were constituted in 2014 to promote and monitor initiatives organised by civil society and official entities. These initiatives were aggregated and disseminated through a website designed for this specifically<sup>9</sup>. In Portugal, the IYFF comprised of four objectives: i) support the formulation of agricultural, environmental, and social policies that promote sustainable family farming; ii) increase knowledge, communication, and public awareness; iii) gain a better understanding of the needs, potential and constraints of family farming, and ensure technical support; and iv) create synergies for sustainability.

Different national and international social actors and institutions joined in the setting of the agenda for FF policies. Non-state actors were key drivers when raising questions and identifying solutions. At the state level, the transition from the Portuguese government of 2015 to a socialist government, supported by other left parties, also opened space for discussion on FF matters; and the strong influence of the European Commission (EC), especially in transition periods from one rural development programme to the next (2007-2013 to 2014-2020), influenced the implementation of short-food supply chain measures in Portugal. Two main agricultural lobbies have existed in Portugal as networks impacting decade-long decision making by the Ministry of Agriculture and other governmental bodies working on agriculture issues. First, the Confederation of Portuguese Farmers <sup>10</sup> (Confederação dos Agricultores de Portugal, CAP in Portuguese), has influenced since 1974 how agricultural activities are supported in Portugal, and has lobbied for the financial support of industrial agriculture and large farming operations. Its political counterpart, the National Confederation of Agriculture <sup>11</sup> (Confederação Nacional da Agricultura, CAN in Portuguese), associated with the communist party and La Via Campesina, has advocated for small and family farmers since 1978. While the CAP always exercised its influence "inside" the government walls, the CNA gained its influence on policies through the lead of big social movements and demonstrations, especially in the centre and Northern territories of Portugal, and not so much through the State's support. The influence exercised by these two organizations on agricultural policies has swung during the different periods of governance in Portugal, according to whether the parties in power were centre-left or centre-right. As the CNA, other associations – e.g. CNJ, MINHA TERRA, organizations of women farmers, etc. – have played an important role in the

<sup>&</sup>lt;sup>8</sup> The denomination of this Ministry has suffered multiple changes throughout history. For a full revision of the different titles in Portugal since 1918, see: <a href="https://en.wikipedia.org/wiki/Ministry\_of\_Agriculture\_(Portugal)">https://en.wikipedia.org/wiki/Ministry\_of\_Agriculture\_(Portugal)</a>. The Ministry of Agriculture and the Sea corresponds nowadays to the Ministry of Agriculture and Food. In 2013, the designation of this ministry included both agricultural and fishing related activities.

<sup>&</sup>lt;sup>9</sup> https://agriculturafamiliar.dgadr.gov.pt/aiaf

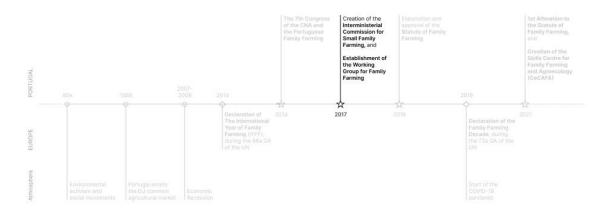
<sup>10</sup> https://www.cap.pt

<sup>11</sup> https://www.cna.pt

promotion of local and rural development through community initiatives and projects facilitated by the initiative LEADER. The initiative LEADER, introduced in 1991 and funded through the European Agricultural Fund for Rural Development, has focused its work on the need to diversify the local economy in rural areas. LEADER has developed several initiatives supporting the small food industry and, in general, small food production. Supporting measures include the development of rural tourism, agri-food and artisanal production. Although involved in the development of local agriculture and the relocalisation of food production (through the support of short-food supply measures), LEADER was not directly included in the FF policies until 2014. With the European extension of the initiative to include all the organizations, associations and Local Action Groups working on the agri-food sector and rural areas, and the inauguration of the new PDR 2014/2020, LEADER became the key approach inside the Ministry of Agriculture. One of their new tasks was to re-define the conditions to support FF, considering aspects such were the size of the farms, the amount of production needed, etc.

According to our informants, even though the above-mentioned actors have pushed to support FF in the last decades, nearly 30%-40% of the small farms in Portugal continue without reaching the financial support of the Common Agricultural Policy. The debate over upcoming funding periods has limited to discussing how the financial support would be used in the next timeframe, fearing that its use might be dedicated to compensating for the losses of the previous measures. Conflicts of interest have also continued to exist between ministries, and personal conflicts inside public functions, which have impacted the effect of the policies and strategies on the distribution of the EU financial support. Similarly, it was pointed out that although associations have had common objectives, their work and existence have mostly been individual. This means that they have failed to act in unison to come up with collective FF policies.

# **b.** Policy Formulation



The IYFF prompted in Portugal multisectoral initiatives for the development of effective support policies that could promote FF in the territory. The need to complement these efforts through the creation of a Statute for Family Farming in Portugal emerged from it. the Farmer Association CNA criticised the limitations of state-led palliative initiatives being created as part of the IYFF. The

CNA, thus, pushed, to increasingly raise attention to the necessity to protect family farming and to counteract the growing land abandonment trends with the support of other civil society actors. The agreed notion was that this could be reached if a public institutional framework could positively discriminate family farmers through redistributive social policies and, especially, by actively including them in the elaboration of public development policies and processes.

The goal for advancing such instrument was to turn rural territories into positive examples of family farmers' indispensable valorisation, in a perspective of sustainability and with the purpose of strengthening social and territorial cohesion. For this, it was crucial to distinguish the specificity of family farming in its various dimensions, creating a statute that recognised and valued it through the adoption of specific support measures. Such political tool was envisioned to be applied preferably at the local level, to consider the diversity of structures and agricultural realities, as well as the constraints and development potential of each territory.

Two main set of political efforts help describe the processes in policy formulation of the Statute of Family Farming in Portugal: 1) the lobby work spearheaded by the CNA (from 2014-2018), and 2) the initiatives by the government assigned to the Ministry of Agriculture (MoA) and related institutions (2017-18).

1) The lobby work by the CNA for the adoption of the Statute can be divided in two phases. The first one included the steps taken behind the creation of the Statute proposal; and the second corresponded to the work shortly prior to the publication of the Decree-Law N.° 64/2018, which will be discussed in section C focused on Policy Adoption. The first phase took place in 2014, when the CNA developed a proposal for the Statute for FF with the objective of improving the livelihoods of small and family farmers, as well as reforming food production systems in Portugal. Such well-grounded proposal, that later became the Statute for FF in Portugal, was first presented during the 7<sup>th</sup> CNA Congress in 2014 by the CNA in the city of Coimbra, reflecting the decade-long work provided by this farming association to support the rights of small food producers, family farmers and food sovereignty in the country. To design the proposal, CNA members went through a consultation process, hand in hand with the Minister-in-office responsible for the Department of Social Security, farmers, associates, and an advisory group of the CNA. They also consulted members of academia, ex-political leaders who had experience with previous farming policies, and economists.

During the following three years, the proposal went through various revisions marked by governmental changes. The political forces behind each leadership had different levels of interests in protecting FF. Importantly, in this period Portugal was experiencing public cuts in social welfare and austerity measures since 2011, as part of the conditions imposed by the Troika<sup>12</sup> to combat the financial global crisis. It is not until the 2015 elections took place that conversations about a Statute of FF gained attention though. The governing socialist party formed a coalition government with other left-wing parties and a more favourable political environment enabled issues on family farming to be put on the table. Once the proposal for the

<sup>&</sup>lt;sup>12</sup> Troika is the term used during the eurozone financial crisis of 2008 to describe the three-strong group of organisations (the EU Commission, the International Monetary Fund, and the EU Central Bank) which established a financial assistance programme, which is binding to a set of measures and reforms set out in a Memorandum of Understanding between the group and the country concerned. From: "Troika" (2017).

Statute was elaborated, the CNA lobbied persistently to bring the proposal to the Office of the President of the Portuguese Republic, after which it got approved.

- 2) Following the commitment expressed by this more progressive XXI constitutional government<sup>13</sup> (26 November 2015 to 25 October 2019) to assess and update the policies impacting agriculture, forestry and rural development in Portugal, the Inter-ministerial Commission for Small Family Farming was created in August 2017 through the legal Order N.° 7423/2017. The Commission was declared as the governmental task force aimed to respond to the main challenges of family farming and strengthen the potential of this important way of organizing productive activities, managing the environment, and supporting social life in rural areas of Portugal. This Commission put together a Working Group (WG) with the objective to formulate and establish an action plan for FF in Portugal. The WG was formed in the same year by six individual members of the Regional Directorates, various Portuguese ministries and cabinets i.e. the Ministry for Agriculture, Forestry and Rural Development<sup>14</sup>; the Regional Directorate of Agriculture and Fisheries of the Centre Region (DRAP Centro, in Portuguese) and the Regional Directorate of Agriculture and Fisheries of the North Region (DRAP Norte); the DGADR; and, the Planning, Policies and General Administration Office (GPP). The main objectives of the WG were to:
  - Map the current situation of family farming in Portugal;
  - Present appropriate suggestions for the definition of a Small-scale Family Farming policy;
  - Draft the Statute for Small Family Farming.

The nature of such collaborative work required for the WG members to find a middle ground, namely in the defense of finding solutions fitting different realities of FF in Portugal. For instance, the Working Group discovered that in the Centre and Northern territories where FF was remarkably dominant, most of the income came from activities outside the family agricultural holding. The differences characterising regional FF opened debates on how to redefine the original concept of FF provided by the FAO and to prevent "having [multiple] understandings of family farmers" in Portugal. The WG made use of different methods to inform their suggestions to the Inter-ministerial Commission, responsible for the establishment of the policy. They made use of the data gathered by the National Statistics Institute, data by the GPP and used the SWOT method for data analysis. Each member also contributed to the research by looking for information and confirmation among their networks, but the final report was never opened to the public. No direct interaction with small family farmers, any public consultation, nor the hearing from other actors outside the WG during the policy formulation process took place either.

After 9 months of research, the results of the data gathered from the different sources were not completely concurring and provided the WG with a wide range and complex set of information to establish clear recommendations. The WG had to additionally confront decontextualized cultural notions on what family farming entailed. For instance, based on the concept of FF in the United States, a family farm had been conceived by some sectors in Portugal according to the family's ownership of capital without considering the size of the land or the workforce's origin, which could be salaried instead of provided by family members. However, this logic

<sup>&</sup>lt;sup>13</sup> Decree-Law N.°251-A/2015

<sup>&</sup>lt;sup>14</sup> In 2022, this governmental body has been renamed the Ministry of Agriculture and Food.

was proven to support mainly the economically profitable farms and to direct farm subsidies to large farm owners and holdings, as well as to new companies who became dependent on them. As a result, in the United States the lack of support for small farms generated the concentration of capital in large companies and the rise of other forms of agricultural societies.

In consequence, new questions were formulated by the WG to try and 'shrink' the unknown number of supported farmers and to help define policy measures that were appropriate for the Portuguese reality. Some of these practical questions included:

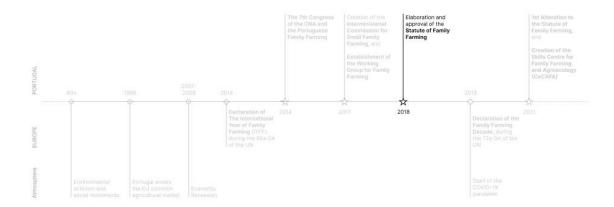
- What [should be] the agricultural area considered to be a 'family farm'? For instance, the WG discovered in the research process that a few family-run farms were bigger than 1000 hectares.
- How to define a 'family farm'? Namely, should the definition be based on the household's tax declaration or on the network formed by people living together and helping each other?
- How to gather data on some of these issues to present them to the European Commission?
- How to prevent the Statute of Family Farming from negatively impacting the access to other entitlements? (e.g., young farmers could not access the status of young farmers after applying to the status of FF (which is applicable to active farmers only), because applying for the status of Young Farmer requires the candidate to not be a farmer yet).
- What specificities will be targeting the status of FF?

The WG learned that gender approaches were quickly mentioned and discarded; and youth approaches were also left out of the measures after some consideration. In sum, the diagnosis provided by the WG focused, specifically, on the family farm independently of the characteristics held by the farm holder.

Although many of the ideas brought up by the WG were not unanimous, all WG members agreed the key characteristic of FF should be that at least 50% of the farm labour had to come from the family farm (a concept defined by the FAO). For measures to support disadvantaged small family farm holdings, the WG proposed to attribute the Statute to the individual, as the legal person, instead of granting it to a farm operation. The WG's unpublished output included a report of recommended activities in Portugal to promote FF with a proposal of the measures that could help diminish the shortcomings experienced by this type of farming. However, the WG was not responsible for analysing nor determining the budgetary costs to support family farmers through each of these suggested measures. Once the set of recommendations by the WG were handed to the Commission, the refining of the measures plus the definition of such budget costs competed the various offices within the MoA and was out of the scope of the WG.

The process of the Statute's formulation included various actors and levels of the political pyramid. The CNA focused its efforts in defining the necessities and rights of family farmers from the ground, and on the promotion of the Statute and its measures with parliamentary groups and others. On the other hand, the Inter-ministerial Commission for Small Family Farming, led by the WG, did not work on the operationalization and concretisation of the measures but assisted as an external consultant to the MoA. The lack of these considerations by the WG was argued to be caused by time constrains, insufficient know-how, and the need of these measures to adapt to the existing social changes at the time of the Statute's implementation.

# **C.** Policy Adoption



The creation of the Inter-ministerial Commission for Small Family Farming shed light to the concretisation of the Statute and opened space for the second phase of lobby work by the CNA. The CNA contributed to this phase by trying to keep the momentum in the creation of the Statute, by talking to the different ministries, especially the Ministry of Agriculture, and by mobilising the civil society through various dissemination campaigns.

Perceived as a decision taken behind closed doors, a draft version of the decree-law was elaborated at the level of the Office of Planning, Policy and General Administration (GPP), which is the office responsible for assisting the MoA in the definition of strategic lines, priorities, and policy objectives. Such draft was based on the work provided by the WG and the proposed statute initially provided by CNA in 2014. The GPP, which had a delegate in the WG, along with the MoA, analysed the report, adapted the measures suggested by the WG, and opened the document to a brief public consultation (22 December 2017 to 31 January 2018)<sup>15</sup>. The CNA and other technicians of the DGADR and the MoA provided feedback to this draft. At the end, the MoA handed the created result over to the Council of Ministers. After consultation with the advisory board, the Council published the Statute for Family Farming as a decree-law on 07 August 2018 (Decree-Law N.º 64/2018). According to Article 198(1)(a) of the Constitution, the Government ordered the decree-law enshrining the Statute of Family Farming and the creation of the National Commission for Family Farming (CNAF), which was presided over by the Minister of Agriculture, Forests and Rural Development. The Statute was awarded to the head of the family farm, through the issuance of a recognition title by the Directorate General of Agriculture and Rural Development (DGADR).

In other words, by use of the executive power, the government adopted the strategies and measures included in the Statute that it considered feasible and adequate, with meagre participation of its constituencies: the family farmers. Although part of the CNA's initial proposal was included in the definite law, it was the operationalisation of those rights which did not manage to meet the

<sup>&</sup>lt;sup>15</sup> According to the representative of CNA, this consultation process was perceived as a mere formality.

expectations of family farmers, as the policy implementation phase later confirmed. For example, specific measures in support of female family farmers escaped the Statute, which had a more accentuated focus on socio-economic aspects instead, such as income source and farm labour.

The measures included in the Statute of FF had also to be in accordance with European laws and treaties. This included an extra step in the policy-making process, which could also stop some of the proposed measures from being implemented. For this reason, the Statute remained as a protecting umbrella in line with the specific measures defined within the CAP measures. Ultimately, the Statute was adopted as a legal instrument to positively discriminate FF, aiming to safeguard this type of farming system and promote rural development. The Statute was not created to regulate direct expenses for family farms, but to provide a competitive advantage to singular family farmers at the time of funding and support application. Although the measures are designed by the Common Agricultural Policy in the context of the funding periods, they are adapted to the Portuguese context by the GPP. Supporting measures since the Statute's adoption include the bonification system – for specific funding measures – and the reduction of 6 cents in the cost of petrol for agricultural purposes. The Agriculture and Fisheries Finance Institute (IFAP) is the Portuguese entity responsible for managing the financial support granted to farmers through the first and second pillars of CAP.

The Statute of FF, enshrined in the Decree-Law N.° 64/2018, was adopted to recognise the specificity of this type of agriculture, adopting support measures that create positive discrimination in its favor. The approved eligibility criteria for recognition of the Statute of Family Farming required the head of the family farm to:

- be over 18 years old;
- hold a taxable household income, per taxpayer, less than or equal to the amount that falls into the 4th income tax bracket, i.e. €25,075 (in 2021);
- have an income from agricultural activity equal to or greater than 20% of the total taxable income:
- receive an amount of support relating to the Basic Payment Scheme and the Small Farming Scheme, resulting from CAP aid, not exceeding 5,000€;
- consist of family labor equal to or greater than 50% of the total labor estimated for the farm;
- be the holder of a family farm, located on rural or mixed properties, identified in the IFAP, IP (Agriculture and Fisheries Financing Institute) parcel identification system.

The Statute of FF formulated the creation of the Family Farming National Commission (CNAF) and assigned the DGADR and the CNAF as the legal bodies responsible for overseeing the Statute's recognition process. The responsibilities of the CNAF were to "monitor the application of this diploma [... and] carry out the annual evaluation of its functioning" (Decree-Law N.º 64/2018: Art.11, own translation), for which it had the logistical support of the DGADR.

Decree-Law N.° 64/2018 specified that CNAF was to be called for assembly by the Ministry of Agriculture. In this document, the MoA was declared responsible for dynamising the Commission and articulating the measures included in the Statute among the various ministries within CNAF. Although this arrangement was revised afterwards, and will be described in the next section, in the beginning the CNAF was set to be chaired by the Minister of Agriculture, Forestry and Rural

Development and composed of representatives of the following governmental areas in an attempt to tackle FF issues holistically:

- a. Finance;
- b. Justice:
- c. Agriculture, Forestry and Rural Development;
- d. Education
- e. Labor, Solidarity and Social Security;
- f. Health;
- g. Planning and Infrastructure;
- h. Economy;
- i. Environment;
- j. Sea.

The Commission was also established by representatives from the two autonomous regions (Azores and Madeira) and by a wide range of representatives of several civil society entities interested in supporting FF, such were:

- a. AJAP Portuguese Young Farmers Association (Associação dos Jovens Agricultores de Portugal);
- b. CAP Confederation of Portuguese Farmers (Confederação dos Agricultores de Portugal);
- c. CNA National Confederation of Agriculture (Confederação Nacional da Agricultura);
- d. CONFAGRI National Confederation of Agricultural Co-operatives and of Agricultural Credit (Confederação Nacional das Cooperativas Agrícolas e do Crédito Agrícola de Portugal)
- e. CJN National Confederation of Young Farmers and Rural Development (*Confederação Nacional dos Jovens Agricultores e do Desenvolvimento Rural*);
- f. MINHA TERRA Portuguese Federation of Local Development Associations (*Federação Portuguesa de Associações de Desenvolvimento Local*);
- g. ANIMAR Portuguese Association for Local Development (*Associação Portuguesa para o Desenvolvimento Local*);
- h. BALADI National Federation of Common Land (Federação Nacional dos Baldios);
- i. National Association of Portuguese Municipalities (Associação Nacional de Municípios Portugueses);
- j. National Association of Parishes (Associação Nacional de Freguesias).

The logistical support provided by the DGADR to the CNAF included the issuance of the recognition title to family farmers to which applicants must submit a form through an internet platform<sup>16</sup> developed for this purpose. Additional tasks by the DGADR entailed the evaluation of the application forms, the coordination of dissemination activities on the Statute, the management of the website, and providing logistical support to the MoA in preparatory work for CNAF assemblies. This new (and large) load of responsibilities borne with the declaration of the Statute was charged to the DGADR without establishing a specific office responsible for Statute-related matters. Instead, FF issues have been dispersed throughout the various and broad departments within DGADR, with staff working on aspects from land planning to genetic resources, irrigation

 $<sup>^{16}</sup>$  The internet platform for the submission of the application form of the Statute of FF is https://agrifam.dgadr.gov.pt/app\_Login/

systems, natural resources management, and to many others. The lack of prioritisation of FF issues was, and still is, evident since the Decree-Law N.° 64 became effective in 2018. Section *d* describes how this set up has created substantial difficulties for the implementation of the Statute of FF.

# d. Policy Implementation

"[The Statute] was a mechanism created that was made to not succeed" (Interview 3, own translation)

The DGADR, as the institution responsible for the issuance of the Statute title, has proclaimed issues regarding its implementation, which are signalled by the evident lack of adhesion to the Statute by singular candidate farmers in Portugal. From the estimated number of family farms in the country of around 242 500, only 3 304 applications (nearly 1,36% of the total) have been submitted after the implementation of the Decree-Law N.° 64/2018 and 2 285 titles were granted successfully by May 2022 (Canaveira et al., 2022). Farmers' apprehension to apply for the Statute has been justified by their raising concerns on access to land, the definition of family labour, requirements on taxable income, and lack of clarity regarding the benefits upon receiving the title, according to the same report.

Three complementary issues have been identified, which impair the implementation of the Statute:

- 1) The Statute is a measure-oriented policy and not an instrument tailored to benefit FF. The measures in Pillar II of the EU Common Agriculture Policy, which Statute holders could benefit from, are adapted in Portugal via the PDR2020 but have not necessarily aligned with family farmers' needs;
- 2) Although the DGADR has technically been responsible for studying Statute applications and grant the recognition title to eligible candidates, it inherited more tasks once the MoA dropped from its responsibilities in CNAF and the Statute's processes.
- 3) There is no proper managing structure to accompany the implementation of the Statute of FF.

First, FF has been looked at from a socio-economic perspective during the policy implementation process of the Statute instead of adopting a holistic approach to this form of livelihood. Family farms have been seen as economic agents weighting on the benefits and costs of their activity, to help define the measures to implement under the Statute. However, it has been overlooked that family farming does not necessarily operate as other agriculture activities on a logic of profit maximization. Income, for instance, cannot be seen according to the hours worked, as remuneration is probably smaller than the one by large-scale farmers and family farms usually rely on multiple income sources.

Another issue on the implementation of the Statute has been the relation between the scheme of small farmers, mentioned in the first pillar of the CAP, and family farming. In the Decree-Law N.° 64/2018, the Statute appears as "small family farming", giving the impression of the existence of

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<sup>&</sup>lt;sup>17</sup> In original (Portuguese): "[o estatuto] foi um mecanismo criado que foi feito para não ter sucesso" (I3)

a "not small" FF, and thus creating space for two conflicting definitions. Small-scale agriculture has also access to other supporting policies. The intermix of both concepts was shown to create confusion and hinder the access to the Statute by the small agricultural farmers.

The reduced interest in adhering to the Statute might also stem from the approach adopted for its implementation, which has continued to replicate sectorial trends that perpetuate support for large holdings and promoted the abandonment of FF activities. Currently, the Statute is seen as a measure-oriented policy and not an instrument tailored for FF. The way the mechanism has been operationalised was based on the premise that valorising FF (or positively discriminate FF) meant making this form of agriculture more competitive. Under this logic, Statute holders had a higher chance to benefit from cookie-cut measures determined in Brussels for regular farmers, because the Statute would grant them with extra points at the time of funding application.

Adopting the same rationale, improvements in the implementation of the instrument have been made in recognition of the policy's flaws. The eligibility criteria have been said to be too restrictive for small and family farmers to apply for the Statute, since it left out most of the existing family farmers. For this reason, the Statute has suffered one alteration since its first elaboration. The Decree-Law N.° 64/2018 has been subject to a first amendment, suffering some changes that are formulated in Decree-Law N.° 81/2021, of 11 October. Specifically, Articles 4 and 5 present amendments to the Decree-Law N.° 64/2018, of 7 August:

- Article 4 states that the Statute can only be attributed to a single titleholder of a family farm, instead of multiple people, as in the case of a farming business, as previously included in Decree-Law N.° 64/2018.
- Article 5 amended items b, c, and d on the certificate of recognition of the Statute, which is granted to a singular titleholder of a family farm satisfying the following requirements:
  - b) must have a taxable income, per taxable person in the household, of less than or equal to the amount corresponding to the fourth bracket of the personal income tax. In the previous Decree-Law, this income value was considered on a household basis.
  - c) (new item) the income from the agricultural activity must be equal to or greater than 20% of the total taxable income;
  - d) financial support must not exceed € 5000 of aid from the Basic Payment Scheme *or* from the Small Agriculture Scheme, from the Common Agricultural Policy [...], from the year prior to the submission of the application for recognition of status. Prior to this, the single payment was only considered.

The changes made to the Statute's eligibility criteria in Decree-Law N.º 81/2021 have represented a meagre increase in adhesion to the Statute, but some trends could be identified. Based on a study that sought to expand knowledge on the evolution of FF and the Statute of FF in Portugal (Canaveira et al., 2022), there is a widespread lack of awareness on the existence of the Statute and a reduced interest on its benefits by family farmers. The most attributed reason, according to this study, for this outcome was family farmers' belief that they were not eligible for the Statute. The same study confirmed that only 9 out of the total 19 rights to be protected through the Statute of FF (Decree-Law N.º 64/2018) have a measure directly related from which FF can benefit. By the same token, it was discovered that the number of FF applicants for the Statute increased proportionally in periods when applicable support measures had higher percentage of score points

granted to Statute holders (Figure 1)<sup>18</sup>. This trend indexed that FF were attentive to those policy measures that 'made sense to them', or that were adapted to their specific needs.

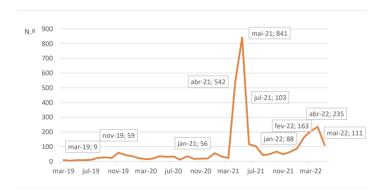


Figure 1: Evolution in the number of applications submitted for the attribution of the title of recognition of the Statute in mainland Portugal, between 7 March 2019 and 31 May 2022. Source: DGADR (2022) from Canaveira et al. (2022).

The short period of the Statute's implementation has shed light to the need of inclusion of farmers in the research and elaboration of the Statute. Namely, it should respond to clearly identified issues, but the absence of family farmers' considerations in the policy design process has led to incompatible efforts to make the Statute functional. Some of the benefits implemented today, such as financing the cost of petrol for agricultural activities, were questioned as to be the most favourable and relevant solutions for family farmers. Other areas, which might have required more research, have been suggested as possible solutions for FF – e.g. measures to bring down energy costs, measures to help commercialise their products, the implementation of fiscal benefits, among others. These and other suggestions need to be explored together with family farmers and compared with other social and agricultural benefits, to implement relevant solutions for family farmers.

As Figure 1 shows, a more effective implementation of the Statute of FF should focus in answering the question on 'how to translate FF needs into feasible PAC measures?' and not the other way. Recognising the specificity and uniqueness of FF through the Statute requires acknowledging other externalities provided by family farms too (Figure 2). Externalities include FF's contribution to culture and heritage, landscape preservation, genetic keeping, food self-sufficiency, multifunctionality of farming, territorial cohesion, etc. It would be of greater incentive for family farmers to adhere to such legal instrument in Portugal, should farmers be rewarded for practicing any of these activities to keep their livelihoods and promote rural development.

Second, soon after the declaration of the Statute of FF was enshrined in Decree-Law N.º 64/2018, more responsibilities felt onto the DGADR as the MoA retrieved from many of its coordination tasks regarding the Statute and the CNAF. One of the reasons could be the governmental change

<sup>&</sup>lt;sup>18</sup> For example, the period of April-May 2021 confirmed a higher number of submitted applications for the Statute in line with the opening of applications for Measure 3.2.2 (Small Investments in Agricultural Holdings/Renovation of the Agricultural Tractor Fleet) which took place between 30 March and 31 May 2021 and granted a score of 20 points and a weighing factor of 5% to Statute holders.

that occurred in 2019, when the formerly Ministry of Agriculture, Forestry and Rural Development became the Ministry of Agriculture and a shift in policy objectives were perceived. It was then when the head offices within the MoA considered the DGADR should be the governmental body responsible for 'steering the boat', although only on limited technical tasks.



Figure 2: Ten qualities of family farming. *In* Farming Matters. (Van der Ploeg, 2013)

This situation placed more pressure into a Directorate with already limited resources for FF issues. In addition to the previously defined tasks, as defined in Decree-Law N.º 64/2018, the DGADR had now to keep the process going, ensure implementation of the Statute, and dynamize the CNAF. All of this without having the stake to partake in the definition of measures in support of FF or convene the CNAF assembly, because these capacities were exclusive to the MoA.

The shift in leadership, without the full transfer of power, left the Statute of FF as an orphan child in its early stage. Considering DGADR's lack of political stake to dynamize the Commission nor to articulate the measures included in the Statute among the various ministries within CNAF, the DGADR' tasks have focused its limited resources to evaluating the application forms by the Statute candidates, to guide awareness raising campaigns and dissemination activities regarding the Statute, and to contribute with knowledge in research projects. To alleviate the burden of the bureaucratic application process for the Statute of FF, the Regional Directorates for Agriculture and Rural Development (DRAP) have been working as "contact points" to support candidates lacking the physical access or the know-how to use the internet platform for submitting the Statute application. DRAP offices have also been instrumental in defining regional action plans to support FF and disseminate the Statute in each region.

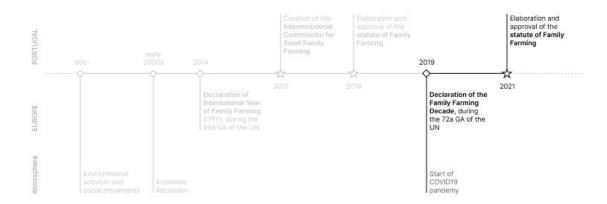
Last, the absence of a proper managing 'umbrella' to accompany the Statute of FF has impaired the chances for advancing FF in Portugal. The Family Farming National Commission (CNAF) was an attempt to form a cross-sectoral institution to coordinate the evolution of the Statute, but this Commission has failed to assemble. Article 10(7) and 10(8) of the Decree-Law N.° 64/2018 specifically indicated that CNAF was to meet at least twice a year, and CNAF members were not

to receive any monetary compensation for their work in the CNAF. Article 11 of the same Law included the functions of CNAF: i) to monitor the application of the Statute and its regulations; and ii) to carry out an annual evaluation of the functioning of the regime and to prepare the respective report on its application. However, it is unclear why the CNAF has systematically failed to fulfil its assigned tasks.

In general, stakeholders participating in this study perceived the gains attained from the Declaration of the IYFF in 2014 through the declaration of the Statute in 2018 have lost terrain and the momentum for FF has dampened. The main argument given was that the political context has changed, and the priorities have been revised. The commitment assured by the XXI government in 2017 to support FF as a key agricultural activity in the promotion of sustainable rural communities, territorial cohesion, and to combat desertification has not evidenced continuation with the following two governments. In other words, the Statute of FF has remained a static document with little to no relevance for FF.

Section *e* furthers how the lack of a clear strategy for the Statute has also failed to develop check-and-balances processes that could accompany the evolution of this policy effort designed to promote FF in Portugal, and thus, guarantee the sustainability of this policy.

# e. Policy Monitoring and Evaluation



As mentioned before, the role of the CNAF was set to monitor the implementation of the approved Statute. However, this Commission has solely met one time (14 December 2019) at its launch event where the Statute was presented along with the proposal of what later became Order N. $^{\circ}$  73/2019 to regulate the procedures attributing the Statute. The CNAF to this date awaits the MoA to summon the next meeting and, so far, no monitoring nor evaluation of the Statute has been carried out. Amidst the lack of a clear responsible body for accompanying the implementation of the Statute of FF, as described before in section d, it comes to no surprise the inexistence of proper evaluation processes for it either.

The absence of a proper policy evaluation mechanism could index a lack of guidance on what to expect from such task, or hint at the deficiency to evaluate processes of public policies in general. These hypotheses stem from the widespread perception in Portugal that, after an evaluation process

has been carried out, the learnings are not integrated afterwards in the policies. Amidst this culture, the decisions on public policies in Portugal are often based on the perceptions of the decision makers. For whatever reason this step has been overlooked, it has caused frustration by some of the stakeholders in favour of defending FF in the country.

Recent studies and research projects spearheaded by actors from the civil society have devoted resources in analysing the evolution of the National Plan for Family Farming in Portugal, including the implementation of the Statute for FF. The DGADR has participated in many of these efforts, although it has remained on the fringes due to its dual role as a researcher and a governmental body. The goal of these studies has been to expand knowledge about FF in Portugal and provide recommendations to State leaders on how to effectively promote it. However, it is worth noting that these processes fail to have the political weight necessary to make policy makers accountable for Statute affairs, and, particularly, to be of leverage to address Statute's shortcomings. Table 4 includes a list of some of the most recent projects.

Table 4: Some of projects expanding knowledge on Family Farming in Portugal.

Project name	Entity responsible	Project objectives	Project link
AFAVEL - Family Farming and Sustainable Territorial Enhancement, in a Context of Climate Change	ANIMAR - Portuguese Association for Local Development	• to deepen the knowledge of family farming and of rural territories with significant expression of this type of agriculture, studying support policies and evaluating implementation conditions.	https://www.animar-dl.pt/iniciativas- animar/afavel-agricultura-familiar-e- valorizacao-territorial-sustentavel-em- contexto-de-alteracoes-climaticas/
Contributions of Family Farming to the promotion of sustainable food systems and diets in Portugal	ACTUAR (Association for Cooperation and Development)	<ul> <li>to promote the recognition of the social, economic, and environmental contribution of FF for the promotion of sustainable food systems and diets in Portugal;</li> <li>to contribute to the participatory construction of the action plan for the decade of FF in</li> </ul>	https://actuar- acd.org/portfolio/agricultura-familiar- para-a-promocao-de-sistemas- alimentares-e-dietas-sustentaveis-em- portugal/

		Portugal, in articulation with the axes of the global plan for the decade of FF;  • to promote the sharing of knowledge and good practices and cooperation among rural development agents and other relevant actors around the implementation of the Decade of Family Farming in Portugal and Europe.	
reLOCALiza	Various organizations under the umbrella of the National Rural Network (Rede Rural Nacional)	<ul> <li>to promote the supply of public canteens with products from Family Farming.</li> <li>to create supply networks of public canteens with products from family farming.</li> </ul>	https://www.relocaliza.pt/#OurStory
Participatory Certification System for Short Food Supply Chains (SFSC)	ADREPES - Setubal Peninsula Regional Development Association	<ul> <li>to support the organization and dissemination of SFSC initiatives, with a focus on mobilizing agents for their certification;</li> <li>to propose strategic and policy recommendations to improve SFSC implementation.</li> </ul>	https://www.adrepes.pt/spg/
Family Farming: Knowledge, Organization, and Strategic Guidelines	MINHA TERRA Federation (Portuguese Federation of Local Development Associations)	<ul> <li>to deepen the knowledge about Family Farming and its contribution to the development of rural territories;</li> <li>to elaborate recommendations for the adequacy and</li> </ul>	https://www.minhaterra.pt/agricultura-familiar-conhecimento-organizacao-e-linhas-estrategicas.T13522.php

densification of public	
policy development	
measures that	
recognize and	
reinforce the	
importance of Family	
Farming and its	
functions in the	
development and	
sustainability of the	
territory, namely	
through the Family	
•	
Farming Statute.	

Some of the relevant results from the research project driven by MINHA TERRA are hereby highlighted, which managed to discuss with farmers about their adhesion to the Statute of Family Farming. The research project carried out six focus groups in six different regions of Portugal with the participation of 20 people in average. The main findings included:

- Many family farms were identified, and their conditions were very different from each other across regions, even in a small country like Portugal. Therefore, the requirements set by the Statute should be considered because they have a different impact in each region and the availability of FF;
- The Statute has been changing and with it the difficulties to join it. Issues discussed included the possible conflicting financial benefits among different denominations (e.g., family farm, young farmer, small farm);
- The Statute's disclosure has been insufficient, farmers do not know about the Statute. Focus groups in this project served as an opportunity to explain the Statute to the farmers namely, its advantages, the steps they had to take to apply for it, the requirements, an estimation of their income per capita, etc.;
- No systematic evaluation has yet been done to the Statute.

In 2021, the Skills Centre for Family Farming and Agroecology (*Centro de Competências para a Agricultura Familiar e Agroecologia*, CeCAFA) emerged from an initiative led by the Portuguese Agricultural Confederation (CNA) to which other entities have joined (i.e., farmers' organisations, competing administration, education and research, local development, and civil society organisations). The CeCAFA was aimed to create a space for sharing knowledge and pooling existing resources and skills in the various entities that comprise it. Proposed areas of this Centre included to reinforce research, the dissemination of knowledge, the promotion of innovation and the qualification of producers in the enhancement of Family Farming and Agroecology. Nevertheless, this body has not been meant to execute monitoring and/or evaluation of the policy instrument.

#### Conclusions

The Decree-Law N.° 64/2018 establishing the Statute of Family Farming (in Portuguese *Decreto-Lei N.°* 64/2018 de 7 de Agosto), was created to recognise the specificity of Family Farming in its various dimensions in Portugal. It was intended to be applied preferably at the local level to consider the diversity of structures and agricultural realities, as well as the constraints and development potential of each territory. The Directorate-General for Agriculture and Rural Development (DGADR) has acted as the governmental delegate responsible for the issuance of the Statute titles.

Three elements paved the way for the emergence of a national conversation for Family Farming in the country: i) the insertion of Portugal in the European common market in 1986, ii) the rising environmental and social awareness from the decade of the 1980s onwards, and iii) the economic recession of 2007/08. The UN Declaration of the IYFF in 2014 was instrumental in mobilising efforts to bring this conversation into the political agenda, although initiatives around this declaration were perceived as palliative and insufficient.

The commitment by the XXI government (2017-2019) to support FF played a very significant role in enabling the two main set of political efforts in the formulation of the Statute of Family Farming in Portugal. First was the lobby work spearheaded by the CNA (2014-2018), starting with the elaboration of the Charter of Rights for FF during the 7<sup>th</sup> Congress of CNA in 2014. Second included the initiatives by the government assigned to the MoA and related institutions (2017-2018). In particular, the establishment of the Inter-ministerial Commission for Small Family Farming that created a Working Group assigned with the task to provide some recommendations to the MoA and draft a Statute to positively discriminate family farms.

Once the tasks of the WG culminated, the MoA, with the support of the GPP, considered the report provided by the WG with the proposal by the CNA from 2014 and drafted the Statute of FF as a policy instrument. The output was deemed limited in scope and the process perceived to have taken place in closed doors and with little public consultation. The emission of the Statute was disclosured in the Decree-Law N.° 64/2018 on 7 August 2018 and enshrined the rights of FF. The goal of the Statute was to protect this farming activity through the development of supporting mechanisms that could positively discriminate FF. Oversight of such complex net of efforts was designated to the National Committee on Family Farming (CNAF) and the DGADR, as the bodies responsible for the Statute's recognition process.

However, the implementation of the Statute of FF has not claimed much success. Family farmers adhesion to the Statute has been weak and a reduced number of titles have been granted. Three complementary issues have been identified to impair the implementation of the Statute: i) the Statute is a measure-oriented policy and not an instrument tailored to benefit FF, and the measures adapted via the PDR2020 and aimed at benefiting FF have not necessarily aligned with family farmers' needs; ii) the DGADR has gained more technical responsibilities in the policy implementation process but lacks the bargaining capacity to amend the instrument and improve the process. This has resulted in not having a proper managing structure to accompany the implementation of the Statute of FF. The Decree-Law N.° 64/2018 has been subject to a first amendment, suffering some changes that are formulated in Decree-Law N.° 81/2021. The objective has been to address the limited adhesion to the Statute, although this step has not shown to make significant changes. Last, iii) the governmental engagement and commitment to supporting FF in

Portugal diluted with the change of government in 2019, which reduced allocation of energy and resources since then into promoting this policy.

The new governmental disposition from 2019 onwards weakened the processes providing support for FF-related issues. The most significant effect might be MoA's abandonment of its coordination tasks over the Family Farming National Commission (CNAF) and the implementation process of the Statute. This led to the DGADR expanding its responsibilities without a structure to properly monitor the evolution of the policy, which was initially designated to the CNAF. In this sense, there has been no systematic follow-up of the Statute. In parallel, the evolution of the National Plan for Family Farming in Portugal has closely been followed by projects led by civil society actors, serving as knowledge brokers to inform policy makers and carry on with the momentum towards promoting FF.

The development of a policy intended to positively discriminate FF, which later became the Statute, has been the outcome of the decade-long lobby work spearheaded by the CNA in the protection of FF. Representing small and family farmers across Portugal since 1978, the Charter of Rights for FF presented by the CNA in the 7<sup>th</sup> Congress of CNA in 2014 seized the opportunity in the context of the IYFF to start pursuing the design of such instrument. However, the operationalisation of FF needs into differentiating policies to promote FF has not materialised yet and the adoption of the Statute of FF has not been perceived as an affirmative instrument in that direction either.

Family farmers have barely seen any benefit from the adoption of the Statute. In terms of coverage, less than 1% of the total FF in the country has received the Statute of FF. The lack of interest in applying for the Statute might index the lack of confidence – and perhaps also awareness – of the real benefits that the title brings for them. The main argument among stakeholders is that the measures within PAC from which FF could benefit if holding the Statute do not respond to the real needs of FF, but instead prolong the decade-long decimation of this type of farming activity in the country and diminish the opportunity to revert this trend. Only a few FF have benefited from holding the Statute when they apply for a specific financial support measure. Positive benefits do not appear to be consistent and reliable, but merely measure-driven.

Nowadays, the Statute has proven to not be a sustainable policy to enhance FF in Portugal. First, FF have been left out in the design of the Statute, which means that the measures aimed at benefiting FF do not necessarily correspond to their needs. Second, there is no coordinating body to oversee implementation and monitoring processes of the Statute. To the DGADR has corresponded studying the applications and granting the recognition title, as well as providing technical support to DRAP and MoA in dissemination activities. Although the MoA was assigned in the Decree-Law N.º 64/2018 as the chair of the National Commission for Family Farming (CNAF), it has renounced of its duties and has failed to assemble the Commission. The lack of such coordinating 'umbrella' jeopardises de continuity of the policy process as an effective instrument to protect FF.

Perhaps the more concerning aspect is the absence of a defined strategy and institution that can follow closely the policy represented by the Statute of FF. Amidst the current political landscape, there seems to be no political interest in supporting such process either. In a short-sided manner,

the Statute was adopted under favourable political circumstances that no longer exist today and without much strategic thinking. Although a regulation recognising the specificity of FF became valid with the Decree-Law N. $^{\circ}$  64/2018, the adhesion to the Statute will only increase the moment that FF see an added value by having it. The measures defined within the PDR programme must also respond directly to the FF rights enshrined in the Statute. Otherwise, the policy process will continue in stagnation and the Statute will lose credibility.

## **ACRONYMS**

CAP	Confederation of Portuguese Farmers	Confederação dos Agricultores de Portugal
CNA	National Confederation of Agriculture	Confederação Nacional da Agricultura
CNAF	Family Farming National Commission	Comissão Nacional da Agricultura Familiar
CNJ	National Confederation of Young Farmers and Rural Development	Confederação Nacional de Jovens Agricultores e do Desenvolvimento Rural
DGADR	Directorate-General for Agriculture and Rural Development	Direção Geral de Agricultura e Desenvolvimento Rural
DRAP	Regional Directorate of Agriculture and Fisheries	Direção Regional de Agricultura e Pesca
EC	European Commission	Comissão Europeia
FAO	United Nations Food and Agriculture Organization	Organização das Nações Unidas para a Agricultura e a Alimentação
FF	Family Farming	Agricultura Familiar
GPP	Office of Planning, Policy and General Administration	Gabinete de Planeamento, Políticas e Administração Geral
IYFF	International Year of Family Farming	Ano Internacional da Agricultura familiar
LEADER	An abbreviation in French of the supporting program for Rural Development at the local level: "liaison	Ligação Entre Acções de Desenvolvimento Rural

entre actions de développement de
l'économie rurale"

MoA	Ministry of Agriculture and Food	Ministério de Agricultura e Alimentação
PAC	EU Common Agricultural Policy	Política Agrícola Comum Europeia
PDR	Plan of Rural Development	Programa de Desenvolvimento Rural
UN	United Nations	Nações Unidas
WG	Working Group	Grupo de trabalho

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This document has been produced under the framework of the Letter of Agreement on "Conduct mapping and document case studies on family farming in the region of Europe and Central Asia to enhance knowledge exchange through good practices" between the Food and Agriculture Organization of the United Nations (FAO) and the Mediterranean Universities Union (UNIMED).

The views expressed in this product are those of the author(s) and do not necessarily reflect the views or policies of FAO and UNIMED.

