

COUNCIL**Council****REPORT ON THE IMPLEMENTATION OF THE OECD
RECOMMENDATION ON THE OECD-FAO GUIDANCE FOR
RESPONSIBLE AGRICULTURAL SUPPLY CHAINS****(Note by the Secretary-General)****JT03494686**

1. This note presents, in its Annex, a Report by the Investment Committee (IC) and the Committee for Agriculture (COAG) on the implementation, dissemination, and continued relevance of the OECD Recommendation on the OECD-FAO Guidance for Responsible Agricultural Supply Chains [[OECD/LEGAL/0428](#)] (hereafter, the “Recommendation”). The Report also includes conclusions on whether the Recommendation requires revision or whether further actions to support its dissemination and implementation are necessary.
2. The Report was developed by the Working Party on Responsible Business Conduct (WPRBC) and the Working Party for Agricultural Policies and Markets (APM). The WPRBC and the APM approved it by written procedure on 21 March 2022 [[DAF/INV/RBC\(2021\)27/REV](#)]. The IC and the COAG approved by written procedure on 15 April 2022 the Report and its transmission to Council to be noted and declassified [[DAF/INV/RBC\(2021\)27/REV2](#)]. Following approval, factual adjustments were made in the Report, at the request of two Adherents, to the description of their domestic situation. The IC and COAG were informed of these adjustments [[DAF/INV/RBC\(2021\)27/FINAL](#)].

Background

3. The Recommendation was adopted by the OECD Council on 13 July 2016 [[C\(2016\)83](#) and [C/M\(2016\)12](#), Item 152] on the proposal of the IC and the COAG. The Recommendation incorporates the OECD-FAO Guidance for Responsible Agricultural Supply Chains [[C\(2016\)83/ADD1](#)] (hereafter, the “Guidance”) which was developed to help enterprises observe internationally agreed standards of responsible business conduct along agricultural supply chains in order to prevent the adverse impacts of their activities and contribute to sustainable development, in particular poverty reduction, food security and gender equality.
4. The Recommendation recommends that Members and non-Members of the OECD having adhered to it (hereafter, the “Adherents”) actively promote the use of the Guidance by enterprises operating in or from their territories and take measures to actively support the adoption of the model enterprise policy by enterprises and integrate the framework for risk-based due diligence into corporate management systems along agricultural supply chains. The Recommendation calls on Adherents, and where relevant their National Contact Points for Responsible Business Conduct (NCPs)¹, with the support of the OECD Secretariat including through its activities with the United Nations and international development organisations, to ensure the widest possible dissemination of the Guidance and its active use by various stakeholders.
5. The Recommendation is open for adherence by non-Members. In addition to the 38 OECD Members, five non-Members, namely Argentina, Brazil, Croatia, Kazakhstan and Uruguay – all Adherents to the Declaration on International Investment and Multinational Enterprises [[OECD/LEGAL/0144](#)] (hereafter, the “Investment Declaration”) – have also adhered to the Recommendation.
6. The Recommendation instructs the IC and the COAG “to monitor the implementation of the Recommendation and to report to Council no later than five years following its adoption and as appropriate thereafter”. This is the first Report to the Council for this Recommendation and covers the four-year period from the adoption of the Recommendation in July 2016 to December 2020.

¹ The National Contact Points (NCPs) are offices set up by governments that have adhered to the OECD Guidelines for Multinational Enterprises. As part of their mandate, they act as a non-judicial grievance mechanism and provide a platform for mediation, conciliation and resolution of issues that may arise regarding alleged failures to observe internationally agreed human rights standards, including the Guidance.

Methodology

7. A questionnaire prepared with input from the WPRBC, and circulated to the APM, IC, and COAG for information, was used to gather information on activities within Adherents relating to this Recommendation as well as the four other OECD Recommendations also covering supply chain due diligence [[DAF/INV/RBC\(2020\)6/REV1/FINAL](#)] (hereafter the “Questionnaire”).² The Questionnaire was circulated to delegations from Adherents in relevant bodies in October 2020, with WPRBC delegates selected to act as focal points for their respective governments. In November 2020, the OECD Secretariat hosted a webinar to further explain the Questionnaire and share best practice on how to complete it. Answers to the Questionnaire were submitted by WPRBC delegates between February and June 2021. Gaps in information were covered through independent research by the Secretariat.

Process

8. Following the discussion on the Questionnaire within the WPRBC, Adherents were informed of the estimated timeline for the development of this Report during the March 2021 WPRBC meeting [[DAF/INV/RBC\(2021\)5](#)] and the same information was shared with the IC and the COAG thereafter.

9. The **first draft of the Report** was submitted to the WPRBC on 4 November 2021 and the APM on 9 November 2021, for comments by 3 December 2021, and was further discussed at the WPRBC meeting on 23 November 2021 [[DAF/INV/RBC/A\(2021\)5](#)]. The draft was also submitted in parallel to the IC and the COAG for information.

10. Following this first round of comments, feedback was integrated in a **second draft of the Report** which was approved by the WPRBC and APM on 21 March 2022 with one minor factual correction in Table 4.1 [[DAF/INV/RBC\(2021\)27/REV](#)]. The IC and COAG approved, by written procedure on 15 April 2022, the Report and its transmission to Council to be noted and declassified [[DAF/INV/RBC\(2021\)27/REV2](#)].

11. Following approval by the IC and COAG, factual adjustments were made in the Report, at the request of two Adherents, to the description of their domestic situation. The IC and COAG were informed of these adjustments ahead of the transmission to Council [[DAF/INV/RBC\(2021\)27/FINAL](#)].

12. The Council is now invited to note and declassify the Report. Thereafter, a link to the approved Report will be included in the public webpage of the Recommendation on the [Compendium of OECD legal instruments](#) as well as on the Secretariat’s webpage on responsible agricultural supply chains.³

Summary and conclusions

Dissemination

13. With respect to dissemination of the Recommendation within and across Adherents’ own governments, 24 Adherents responded that more than one government agency is aware of the

² The five OECD Recommendations on Supply Chain Due Diligence are the: Recommendation on Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk_Areas (2011) [[OECD/LEGAL/0386](#)]; Recommendation on the Due Diligence Guidance for Meaningful Stakeholder Engagement in the Extractive Sector (2016) [[OECD/LEGAL/0427](#)]; Recommendation on the OECD-FAO Guidance for Responsible Agricultural Supply Chains (2016) [[OECD/LEGAL/0428](#)]; Recommendation on the OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector [[OECD/LEGAL/0437](#)]; and Recommendation on the OECD Due Diligence Guidance for Responsible Business Conduct [[OECD/LEGAL/0443](#)].

³ The Compendium of OECD legal instruments can be found at <https://legalinstruments.oecd.org/en/> and the OECD Secretariat’s webpage on responsible agricultural supply chains is available at <https://mneguidelines.oecd.org/rbc-agriculture-supply-chains.htm>.

Recommendation and plays a role in its implementation. Seven Adherents reported some form of formal or informal intra-government mechanism to ensure policy coherence among the relevant authorities.

14. Beyond dissemination within and across Adherents' own governments, there have been actions to disseminate the Recommendation in non-Adherents. Many non-Adherents are key agricultural producing, trading, and processing countries. This includes awareness raising events, trainings, and capacity building.

15. While dissemination among non-Adherents is growing, none of them have adhered to the Recommendation. This can partly be explained by adherence to the Recommendation generally taking place in the context of adherence to the Investment Declaration, the Guidelines for Multinational Enterprises (hereafter, the "MNE Guidelines"), which themselves form an integral part of the Investment Declaration, and the wider package of legal instruments related to it, a package that embodies broader commitments to providing an open and transparent environment for international investment, encouraging the positive contribution multinational enterprises can make to economic and social progress, and minimising and resolve difficulties that may arise from their operations.

Implementation

16. In the five years since the adoption of the Recommendation, many Adherents have made efforts to implement it through promoting the observance of the Guidance by enterprises, taking measures to actively support the integration of the risk-based due diligence framework in corporate management systems, and ensuring the widest possible dissemination of the Guidance. Implementation of the Recommendation is positive in some respects, but on balance there is still much that can be done.

17. Of all the 42 Adherents to the Recommendation, 29 Adherents (69%) reported their efforts on the implementation of the Recommendation. Most Adherents and their NCPs are highly engaged in the supporting structures and actions of the WPRBC and the APM. Many Adherents and their NCPs have taken steps to work with industry and other stakeholders in their countries to promote the Guidance and the integration of the five-step due diligence framework, and meet the expectations under the Recommendation. The depth and level of these actions are however a function of budget and capacity, and Adherents and NCPs have a number of OECD Recommendations to support and promote.

18. One of the more significant developments with regards to Adherents' implementation of the Recommendation is the integration or referencing of the Guidance in regulation. In the last five years, almost a fifth of Adherents (19%), i.e. eight of the 42 Adherents, reported having integrated or referenced the Guidance in domestic laws, regulations, rules, procedures, guidance to comply with regulations, or other government issued guidance in response to the Recommendation. Many Adherents who are also European Union (EU) Member States are relying on EU's leadership on mandatory due diligence and deforestation to drive uptake and implementation of the Guidance. Additionally, a number of Adherents have expressed political support for activities to align industry schemes and certification standards to the Guidance.

Continued relevance

19. In view of the Recommendation and the Guidance's continued high relevance, Adherents should maintain – and in many cases increase – their efforts to promote uptake of the Guidance by enterprises. It thus remains essential to increase the number of Adherents to the Recommendation and for all Adherents to implement the Recommendation.

20. This includes increasing the percentage of Adherents who actively promote the use of the Guidance by enterprises operating in or from their territories as well as improving the quality of Adherents' measures to support adoption of the model enterprise policy and integration of the five-step framework for due diligence in corporate management systems. Adherents should also increase the breadth of action to support dissemination of the Guidance and its active use by stakeholders with the support of the OECD Secretariat, including in collaboration with the United Nations and international development

organisations. All Adherents should significantly strengthen their efforts to implement the Recommendation. Participating in and support for the implementation plan of the Guidance⁴ with its multi-stakeholder backed priority actions can help Adherents find efficient and effective means of implementing the Recommendation in its totality.

21. Accordingly, the IC, through the WPRBC, and COAG through the APM, in consultation with the Food and Agricultural Organization of the United Nations (FAO), may wish to review how fit-for-purpose the Guidance is, with a view to proposing options to improve its effectiveness and impact in light of developments in the agricultural sector. Follow-up options may include considering updating the Guidance or the development of complementary tools and guides to support its observance. It will be important to evaluate the Guidance with a view to supporting efforts to address a wider range of environmental and human rights issues covered under the OECD Guidelines for Multinational Enterprises and meet global commitments under Agenda 2030.⁵

Proposed Action

22. In the light of the preceding, the Secretary-General invites the Council to adopt the following draft conclusions:

THE COUNCIL

- a) noted document [C\(2022\)99](#), in particular the Report set out in its Annex, and agreed to its declassification;
- b) encouraged Adherents to the Recommendation to address the main findings, challenges, and next steps identified in the Report, as set out in the summary and conclusions section of the Report and summarised above, with a view to strengthening the dissemination and implementation of the Recommendation and related Guidance;
- c) invited the Investment Committee, in particular through the Working Party on Responsible Business Conduct, and the Committee for Agriculture, in particular through the Working Party for Agriculture Policies and Markets, to:
 - i) support Adherents in addressing the main challenges identified in the summary and conclusions section of the Report;
 - ii) review the Guidance to determine whether it remains fit-for-purpose in its current form, with a view to proposing options to address possible gaps and improve its coherence and consistency;
 - iii) report to Council on the implementation, dissemination, and continued relevance of the Recommendation in five years.

⁴ The implementation plans of the Guidance are governed by the Principles for the Proactive Agenda of the Guidelines [[DAF/INV/WP\(2012\)5/REV2](#)] and were approved by the IC and COAG in 2016 and 2020 [[COM/DAF/TAD\(2015\)3/REV2](#); [DAF/INV\(2020\)10/FINAL](#); [TAD/CA\(2020\)3/FINAL](#)]. They outline actions to support the dissemination and implementation of the Guidance at scale.

⁵ 2030 Agenda for Sustainable Development, including the 17 Sustainable Development Goals (SDGs), are global objectives that succeeded the Millennium Development Goals on 1 January 2016. See <https://www.fao.org/sustainable-development-goals/en/>.

Annex. Report on the implementation of the OECD Recommendation on the OECD-FAO Guidance for Responsible Agricultural Supply Chains

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1 Background

History and context

1. Agricultural enterprises are a major source of growth and development. They bring expertise, technology and financing capacities to provide safe and nutritious food to a growing population and supply raw materials for non-food products such as animal feed, energy and clothing. They play a key role in generating quality investment, decent employment, and supply chains that benefit producers and consumers. Almost all activities of agri-businesses link to the Sustainable Development Goals (SDGs) and intertwined with impacts on the environment, climate and biodiversity. The engagement and commitment of agri-businesses to responsible business conduct are vital to help governments achieve the ambitious policy commitments of the Agenda 2030 for Sustainable Development⁶ and the international treaties and conventions on human rights and labour rights, and climate goals.

2. The OECD Declaration on International Investment and Multinational Enterprises [[OECD/LEGAL/0144](#)] (hereafter the “Investment Declaration”), in which the Governments of adhering countries (Adherents) jointly recommend to enterprises operating in or from their territories the observance of the OECD Guidelines for Multinational Enterprises (hereafter the “Guidelines”), is an example of how government-backed standards support enterprises in achieving sustainable, inclusive and resilient growth.

3. The common aim of Adherents of the Guidelines is to promote responsible business conduct. The Decision of the Council on the OECD Guidelines for Multinational Enterprises [[OECD/LEGAL/0307](#)] (hereafter the “Decision on the Guidelines”) provides that the Investment Committee (IC) shall, in co-operation with National Contact Points for Responsible Business Conduct (hereafter the “NCPs”)⁷, pursue a proactive agenda in collaboration with stakeholders to promote the effective observance by enterprises of the principles and standards contained in the Guidelines with respect to particular products, regions, sectors or industries.

4. The Recommendation on the OECD-FAO Guidance for Responsible Agricultural Supply Chains [[OECD/LEGAL/0428](#)] (hereafter the “Agriculture Recommendation”) was adopted by the OECD Council on 13 July 2016 [[C\(2016\)83](#) and [C/M\(2016\)12](#), Item 152] on the proposal of the Investment Committee (IC) and the Committee for Agriculture (COAG). The Agriculture Recommendation incorporates the OECD-FAO Guidance for Responsible Agricultural Supply Chains [[C\(2016\)83/ADD1](#)] (hereafter “the Guidance”) which was developed to help enterprises observe existing internationally agreed standards of responsible business conduct along agricultural supply chains. These standards include the Guidelines, the

⁶ 2030 Agenda for Sustainable Development, including the 17 Sustainable Development Goals (SDGs), are global objectives that succeeded the Millennium Development Goals on 1 January 2016. See <https://www.fao.org/sustainable-development-goals/en/>.

⁷ The National Contact Points (NCPs) are offices set up by governments that have adhered to the OECD Guidelines for Multinational Enterprises. As part of their mandate, they act as a non-judicial grievance mechanism and provide a platform for mediation, conciliation and resolution of issues that may arise regarding alleged failures to observe internationally agreed human rights standards, including the Guidance. Any interested party, including affected individuals or communities, NGOs and trade unions can file a complaint – also called a specific instance – before an NCP. Complaints can be filed against enterprises from or operating in adhering countries.

Principles for Responsible Investment in Agriculture and Food Systems of the Committee on World Food Security (CFS-RAI Principles), the Principles for Responsible Agricultural Investment that Respects Rights, Livelihoods and Resources (PRAI) developed by the Food and Agriculture Organization of the United Nations (FAO), International Fund for Agricultural Development (IFAD), United Nations Conference on Trade and Development (UNCTAD) and the World Bank, the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT), the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (ILO MNE Declaration), the Convention on Biological Diversity (CBD), the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters of the UN Economic Commission for Europe (Aarhus Convention) and the Guiding Principles on Business and Human Rights (UN Guiding Principles).⁸ Observing these standards helps enterprises mitigate their adverse impacts and contribute to sustainable development.

5. The Guidance was developed by the OECD and the FAO through an inclusive consultation process over a two-year period with the support and engagement of representatives of OECD Members and non-Members, institutional investors, businesses, farmers' organisations, civil society organisations, trade unions and international organisations. The Guidance also benefited from special sessions organised during the annual OECD Global Forum on Responsible Business Conduct in 2014 and 2015, which identified the major risks faced by enterprises investing in agricultural supply chains and discussed measures that governments and enterprises could take to mitigate such risks and ensure that agricultural investment benefits home and host countries as well as investors. The Guidance was approved by the IC and COAG [[COM/DAF/TAD\(2015\)1/FINAL](#)], and the Cabinet of the FAO Director-General in 2016.

6. Building responsible agricultural supply chains is critical to sustainable development. In this regard, all stakeholders including governments, civil society organisations, worker organisations, international organisations as well as agri-business and investors, need to draw on their respective competences and roles to promote, incentivise and build responsible agricultural supply chains globally.

7. OECD standards of responsible business conduct along agricultural supply chains help ensure that the benefits accruing from investments in this sector are widespread and inclusive, and that agriculture continues to fulfil its multiple functions, including food security and nutrition, poverty reduction, worker health and safety, gender equality and economic growth.

8. The Guidance provides a model enterprise policy which outlines the content of existing standards for responsible agricultural supply chains, a framework for risk-based due diligence along agricultural supply chains and a description of risks and measures for risk-mitigation along agricultural supply chains, drawing from existing standards. The Guidance also contains recommendations for engaging with indigenous peoples in the context of the agricultural sector.

⁸ For details, see the Principles for Responsible Investment in Agriculture and Food Systems of the Committee on World Food Security (CFS-RAI Principles) at <https://www.fao.org/3/au866e/au866e.pdf>, the Principles for Responsible Agricultural Investment that Respects Rights, Livelihoods and Resources (PRAI) at <http://hdl.handle.net/10986/24101>, the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT) at <https://www.fao.org/3/i2801e/i2801e.pdf>, the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (ILO MNE Declaration) at https://www.ilo.org/wcmsp5/groups/public/---ed_emp/---emp_ent/---multi/documents/publication/wcms_094386.pdf, the Convention on Biological Diversity (CBD) at <https://www.cbd.int/>, the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters of the UN Economic Commission for Europe (Aarhus Convention) at <https://unece.org/DAM/env/pp/documents/cep43e.pdf> and the Guiding Principles on Business and Human Rights (UN Guiding Principles) https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr_en.pdf.

Purpose and scope of the Agriculture Recommendation

9. While not legally binding, the Agriculture Recommendation reflects the common position and political commitment of Adherents. The main purpose of the Agriculture Recommendation is that Adherents promote the use of the Guidance by enterprises operating in or from their territories. The Agriculture Recommendation notes that the Guidance proposes a model enterprise policy outlining the content of existing standards for responsible agricultural supply chains and a five-step framework for due diligence.

10. The Agriculture Recommendation calls upon Adherents and, where relevant, their NCPs to:

- actively promote the use of the Guidance by enterprises operating in or from their territories with the aim of ensuring that they observe internationally agreed standards of responsible business conduct along agricultural supply chains in order to prevent the adverse impacts of their activities and contribute to sustainable development, and in particular poverty reduction, food security and gender equality;
- take measures to actively support the adoption of the model enterprise policy by enterprises operating in or from their territories and the integration into corporate management systems of the five-step framework for risk-based due diligence along agricultural supply chains set out in the Guidance;
- ensure the widest possible dissemination of the Guidance and its active use by various stakeholders, including on-farm, downstream and upstream enterprises, affected communities and civil society organisations, and regularly report to the IC and COAG on any dissemination and implementation activities.

11. The Agriculture Recommendation invites Adherents and the Secretary General to disseminate the Recommendation and non-Adherents to take due account of and adhere to the Recommendation. Since 2016, in addition to the 38 OECD Members, five non-Members, namely Argentina, Brazil, Croatia, Kazakhstan and Uruguay have adhered to the Agriculture Recommendation. All 43 Adherents to the Agriculture Recommendation are also Adherents to the Investment Declaration and the package of legal instruments related to it.⁹

⁹ In addition to the Declaration on International Investment and Multinational Enterprises [[OECD/LEGAL/0144](#)] itself, Adherents are also invited to adhere to the following related OECD legal instruments, namely the: Decision on International Investment Incentives and Disincentives [[OECD/LEGAL/0213](#)]; Recommendation on Member Country Measures Concerning National Treatment of Foreign Controlled Enterprises in OECD Member Countries and Based on Considerations of Public Order and Essential Security Interest [[OECD/LEGAL/0226](#)]; Recommendation concerning Member Country Exceptions to National Treatment and National Treatment related Measures concerning Investment by Established Foreign-Controlled Enterprises [[OECD/LEGAL/0233](#)]; Recommendation on Member Country Exceptions to National Treatment and National Treatment related Measures concerning the Services Sector [[OECD/LEGAL/0247](#)]; Recommendation on Member Country Exceptions to National Treatment and National Treatment related Measures in the Category of Official Aids and Subsidies [[OECD/LEGAL/0250](#)]; Recommendation on Member Country Exceptions to National Treatment and Related Measures concerning Access to Local Bank Credit and the Capital Market [[OECD/LEGAL/0255](#)]; Decision of on Conflicting Requirements being imposed on Multinational Enterprises [[OECD/LEGAL/0261](#)]; Decision on the Third Revised Decision concerning National Treatment [[OECD/LEGAL/0263](#)], subject to the notification of exceptions to the National Treatment instrument set in Annex B to the present document; Decision on the OECD Guidelines for Multinational Enterprises [[OECD/LEGAL/0307](#)]; Recommendation on Guidelines for Recipient Country Investment Policies relating to National Security [[OECD/LEGAL/0372](#)]; Recommendation on the Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas [[OECD/LEGAL/0386](#)]; Recommendation on the OECD-FAO Guidance For Responsible Agricultural Supply Chains [[OECD/LEGAL/0428](#)]; Recommendation on the Due Diligence Guidance For Meaningful Stakeholder Engagement in the Extractive Sector [[OECD/LEGAL/0427](#)]; Recommendation of the Council on the OECD Due Diligence Guidance for Responsible

Key developments since adoption of the Agriculture Recommendation

12. Agriculture remains at the heart of people's lives and a source of economic growth in many countries, creating employment for 874 million people worldwide and accounting for nearly 60% of total employment in low income countries (ILO, 2020^[1]). The sector is also critical to enhance food and nutritional security and help achieve the development goals of host countries.

13. However, the agricultural sector is still associated with serious harms and risks to people and the planet. The sector accounts for 70% of global child labour, over 112 million children, with a further 8.9 million expected by the end of 2022 as a result of poverty driven by the COVID-19 pandemic. (ILO, UNICEF, 2021^[2]). Agriculture remains one of the most hazardous sectors in terms of fatal and non-fatal workplace accidents and occupational diseases (ILO, 2011^[3]). Despite the high risks of adverse impacts on people along the supply chain, less than 10% of 350 key food and agriculture enterprises across the globe have a system in place to carry out due diligence to avoid and address adverse impacts on human rights (World Benchmarking Alliance, 2021^[4]).

14. As estimated in 2015, the agricultural sector required incremental public and private investment of average USD 265 billion per year globally to eradicate poverty and hunger by 2030 (FAO, IFAD, WFP, 2015^[5]). However, 768 million people in the world remain undernourished in 2020 (FAO, IFAD, UNICEF, WFP, WHO, 2021^[6]). At the same time, over 1.9 billion adults and 340 million children are overweight or obese (WHO, 2021^[7]) leading to lower life expectancy, higher healthcare costs and lower productivity (OECD, 2021^[8]).

15. Agriculture relies on the planet, but also brings significant pressures on it. While numbers vary according to methodologies, multiple publications confirm that commercial agriculture is by far the largest driver of deforestation, with a significant and growing share of the commodities produced on recently deforested lands feeding international trade. As the demand for agricultural products grows, agriculture often expands into forests and other valuable ecosystems. These dynamics can have dangerous consequences for climate, biodiversity, livelihoods and socio-economic development.

16. Over the period of 2007 to 2016, agriculture, forestry and other land use contributed to an estimated 23% of total net anthropogenic emissions of greenhouse gas (GHG) emissions and the global food system, including pre- and post-production activities, was responsible for an estimated 21-37% of emissions (IPCC, 2019^[9]). Agriculture is also the world's largest water user, accounting for more than 70% of global water withdrawals (FAO, 2020^[10]). Agricultural supply chains are implicated in other adverse impacts on the environment, including deforestation, biodiversity loss and water pollution. An evaluation of world's 350 major food and agriculture enterprises noted that 73% disclose a sustainable development strategy, but only 7.4% have set target reductions in GHG emissions aligned with the Paris Agreement. Nearly 55% have no targets related to global deforestation and conversion commitments for high-risk commodity chains (World Benchmarking Alliance, 2021^[4]). Given increasing extreme weather events due to climate change, more and more producers are likely to face financial difficulty to deal with the consequences of negative shocks, which may result in growing needs of government intervention to prevent and mitigate market crises (OECD, 2020^[11]).

17. To respond to these evolving risks faced by agricultural supply chains, several key global and regional commitments have been made. The 2030 Agenda for Sustainable Development, and the SDGs is perhaps the most prominent. The SDGs agreed to in 2015, and adopted by all 193 Member States of the United Nations, call for the robust involvement of businesses, including agri-business, in global development efforts. The agricultural sector has a critical role to play as many of the SDGs, including Goals 1 (No Poverty), 2 (Zero Hunger), 3 (Good Health and Well-being), 5 (Gender Equality), 8 (Decent

Supply Chains in the Garment and Footwear Sector [[OECD/LEGAL/0437](#)]; Recommendation on the OECD Due Diligence Guidance for Responsible Business Conduct [[OECD/LEGAL/0443](#)].

Work and Economic Growth), 12 (Responsible Consumption and Production), 14 (Life below Water), 15 (Life on Land) and 17 (Partnerships for the Goals), are directly impacted by the sector.

18. Over the last five years in particular, enterprises have recognised that they have a role to play in the way that business decisions can affect people and the environment through their supply chains. Many enterprises have for example endorsed the New York Declaration on Forests (Forest Declaration, 2014^[12]) which focuses on eliminating deforestation from the production of agricultural commodities among others. The Farm to Fork strategy – a part of the European Green Deal – aims to transition the European Union to a system that safeguards food security and ensures access to healthy diets sourced from a healthy planet by 2030. The Farm to Fork strategy is the first time for EU food policy to have a comprehensive strategy, encompassing all stages of the food system.

19. Such recognition is also reflected in increasing calls for mandatory supply chain due diligence by business. The French *LOI n° 2017-399 du 27 mars 2017 relative au devoir de vigilance des sociétés mères* (duty of care law) (Légifrance, 2017^[13]) for example requires large companies to introduce actions to prevent human rights violations and negative environmental impacts in their supply chains. At the European Union, discussions are rapidly moving towards the introduction of a directive that requires mandatory risk-based due diligence to mitigate social and environmental impacts across sectors.¹⁰ The European Commission is also expected to present a legislative proposal aiming at minimizing the risk of deforestation and forest degradation associated with products placed on the EU market, including the possibility of introducing corporate due diligence as a key measure of the regulation.

20. Finally, as a result of the impacts of COVID-19 on global agricultural supply chains, business, civil society, academia and relevant stakeholders in the sector have called on world leaders to take urgent and collective actions to prevent the pandemic turning into a global food security crisis (The Food and Land Use Coalition, 2020^[14]).

Purpose of the Report

21. In the Agriculture Recommendation, the Council instructs the IC and the COAG “to monitor the implementation of the Recommendation and to report to Council no later than five years following its adoption and as appropriate thereafter”. This is the first Report to Council for this Recommendation and covers the period from adoption of the Recommendation to December 2020.

22. This Report focuses on the efforts made by Adherents to implement and disseminate the Agriculture Recommendation. As instructed in the Agriculture Recommendation, the Report documents if and how Adherents have actively promoted the use of the Guidance by enterprises operating in or from their territories and supported the adoption of the model enterprise policy by enterprises operating in or from their territories and the integration of the five-step framework for risk-based due diligence set out in the Guidance. It also covers the steps Adherents have taken to ensure the widest possible dissemination of the Guidance and its active use by various stakeholders including on-farm, downstream and upstream enterprises, affected communities and civil society organisations.

23. This Report also seeks to assess the state-of-play regarding the implementation of the policy recommendations contained in the Agriculture Recommendation, as well as analyse the continued relevance of the Agriculture Recommendation and whether further work to improve its implementation or

¹⁰ In March 2021, the European Parliament provided its recommendations to the European Commission on an EU Directive on Corporate Due Diligence and Corporate Accountability, which referenced the OECD Guidelines for Multinational Enterprises and relevant due diligence guidances, including the OECD-FAO Guidance for Responsible Agricultural Supply Chains. https://www.europarl.europa.eu/doceo/document/TA-9-2021-0073_EN.html.

dissemination is required, or whether the Agriculture Recommendation – and in this case, the Guidance – may require revision.

2 Methodology

24. Information on activities within Adherents to disseminate and implement the Agriculture Recommendation has been collected through multiple channels.

25. A questionnaire was prepared with input from and approved by the WPRBC to gather information relevant to Adherent activities relating to this Recommendation, as well as the four other OECD Recommendations also covering supply chain due diligence [[DAF/INV/RBC\(2020\)6/REV1/FINAL](#)] (hereafter the “Questionnaire”).¹¹ The Questionnaire was circulated to delegations from Adherents in relevant bodies in October 2020, with WPRBC delegates selected to act as focal points for their governments. Multiple reminders were also circulated and in November 2020, the OECD Secretariat hosted a webinar to further explain the Questionnaire and share best practice on how to prepare an answer. Answers to the Questionnaire were submitted by WPRBC delegates between February and June 2021.

26. Information was also collected by the Secretariat based on engagement with Adherents and discussions at the WPRBC and APM. These meetings have provided an opportunity for Adherents to speak about their actions to implement the Agriculture Recommendation by promoting the dissemination and observance of the Guidance. It is important to note, however, that participation in these meetings is generally limited to a small group of Adherents who are the most actively engaged, with little to no information coming from the remaining Adherents. The OECD Secretariat’s independent research has been used to fill knowledge gaps.

27. As such, this Report relies primarily on answers from Adherents to the Questionnaire for a systemic and comprehensive gathering of information on activities within Adherents relating to the Agriculture Recommendation. The scope of this Report is limited to the period from the adoption of the Agriculture Recommendation in July 2016 through December 2020. Uruguay which adhered to the Agriculture Recommendation in February 2021 is not included in the total number of Adherents, 42, in the Report. Answers to the Questionnaire were submitted by 38 of 42 Adherents (90%).¹² 29 Adherents (69%) provided information on their implementation activities of this Recommendation (hereafter the “Respondents”).

¹¹ The five OECD Recommendations on Supply Chain Due Diligence are the: Recommendation on Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk_Areas (2011) [[OECD/LEGAL/0386](#)]; Recommendation on the Due Diligence Guidance for Meaningful Stakeholder Engagement in the Extractive Sector (2016) [[OECD/LEGAL/0427](#)]; Recommendation on the OECD-FAO Guidance for Responsible Agricultural Supply Chains (2016) [[OECD/LEGAL/0428](#)]; Recommendation on the OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector [[OECD/LEGAL/0437](#)]; and Recommendation on the OECD Due Diligence Guidance for Responsible Business Conduct [[OECD/LEGAL/0443](#)].

¹² Thirty-eight of 42 Adherents to this Recommendation who submitted answers to the Questionnaire are as follows: Argentina (non-Member), Australia, Austria, Belgium, Brazil (non-Member), Canada, Chile, Colombia, Costa Rica, Croatia (non-Member), Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Mexico, Netherlands, New Zealand, Norway, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Turkey, United Kingdom and United States. Uruguay did not receive the Questionnaire because it had not yet adhered to the Recommendation at the time of the reporting period.

28. For the purposes of this Report, the data reflects answers from all 29 Respondents. Where possible the OECD Secretariat has complemented information from the Questionnaire with data of known actions by Adherents through engagement with Adherents and independent research carried out by the Secretariat. In addition to and subsequent to these responses, additional information, in particular related to developments in the EU context, was added to complete the Report.

3 Dissemination

29. The Agriculture Recommendation is addressed to Adherents, i.e. governments, and, where relevant, their NCPs, and sets out recommendations as to what they should do to disseminate and promote the observance of the Guidance, which is addressed to companies. With this in mind, this Report will look at two forms of dissemination: (i) dissemination of the Recommendation itself, i.e. what Adherents have done to raise awareness in non-Adherents as well as across their own governments of their commitments made by government under the Recommendation, such that all relevant parts and levels of their governments (e.g. law enforcement, taxation, customs enforcement, environmental protection, foreign aid, public procurement, etc.) are aware of their role in promoting and disseminating the Guidance among companies; and (ii) dissemination of the Guidance among companies. In other words, the report will address both (i) raising governments' awareness of their role vis-à-vis the Guidance, and (ii) raising business's awareness of the Guidance itself. Generally, (i) will be addressed in this section, while (ii) will be addressed in the main body of the Report in the section on Implementation, though some activities may straddle the two.

30. With respect to dissemination of the Agriculture Recommendation, 24 Respondents indicated that more than one government agency is aware of the Agriculture Recommendation and plays a role in its implementation. Seven Respondents reported some form of formal or informal intra-government mechanism to ensure policy coherence among the relevant authorities.

31. Beyond dissemination within and across Adherents' own governments, there have been actions to disseminate the Agriculture Recommendation in non-Adherents. Many non-Adherents are key agricultural producing, trading, and processing countries. This includes awareness raising events, trainings, and capacity building.

32. While dissemination among non-Adherents is growing, none of these governments have adhered to the Agriculture Recommendation. This can partly be explained by adherence to the Agriculture Recommendation generally taking place in the context of adherence to the Investment Declaration, the Guidelines for Multinational Enterprises which themselves form an integral part of the Investment Declaration, and the wider package of legal instruments related to it, a package that embodies broader commitments to providing an open and transparent environment for international investment, encouraging the positive contribution multinational enterprises can make to economic and social progress, and minimising and resolve difficulties that may arise from their operations.

4 Implementation

33. This section focuses on implementation of the Agriculture Recommendation by assessing Adherents' progress in promoting the widest possible dissemination of the Guidance and its active use by enterprises and taking measures to actively support the adoption of the model enterprise policy by enterprises and the integration into corporate management systems of the five-step framework for risk-based due diligence along agricultural supply chains. To that end, this Report starts by outlining a range of key developments in implementation of the Agriculture Recommendation drawn from information gathered through the Secretariat's engagement with Adherents and independent research.

34. Thereafter, it addresses information on implementation of the Agriculture Recommendation provision by provision obtained primarily through the Questionnaire, providing analytical summaries and aggregate results of the answers provided by Adherents. It highlights where possible good practices and shares contextual information. For consistency, this section of the Report will follow the same structure as the Questionnaire with three broad sub-sections on Adherent actions on: 1) Engagement, promotion, dissemination and monitoring; 2) Regulatory and policy coherence; and 3) Approaches to support, enable or incentivise implementation of due diligence by enterprises.

Key developments in implementation of the Agriculture Recommendation and the Guidance

35. In 2016, shortly before the OECD Council adopted the Agriculture Recommendation, the G7 Agricultural Ministers welcomed the adoption of the Guidance and encouraged enterprises to observe it (G7 Research Group, 2016^[15]).

36. Since the OECD Council adopted the Agriculture Recommendation, the first implementation plan of the Guidance was approved by the IC and COAG in 2016 [[COM/DAF/TAD\(2015\)3/REV2](#)] and focused on activities to disseminate and promote the use of the Guidance as put forward in the Agriculture Recommendation. All implementation plans are governed by the Principles for the Proactive Agenda of the Guidelines [[DAF/INV/WP\(2012\)5/REV2](#)] (hereafter the "Proactive Agenda") and proposed actions in the implementation plan require voluntary contributions. Under the Proactive Agenda, the multi-stakeholder advisory group, which is chaired by an Adherent, was set up in 2013 [[COM/DAF/TAD\(2013\)2](#)] to support development of the Guidance itself and provide advice on implementation actions carried out by companies thereafter. The multi-stakeholder advisory group includes the participation of 16 Adherents.

37. As part of the first implementation plan of the Guidance, a pilot project was conducted with over 30 agri-business enterprises, investors and industry initiatives active in global agricultural supply chains. Adherents to the Agriculture Recommendation were instrumental in encouraging national enterprises to voluntarily take part in the pilot which lasted 18 months. The aim of the pilot project was to raise awareness and adoption of the model enterprise policy set out in the Guidance and promote integration of the five-step framework for risk-based due diligence into corporate management systems. The Secretariat also provided technical support to implementation activities led by Adherents and their NCPs to disseminate the Guidance and promote its observance by companies. In addition, to promote accessibility of the model

enterprise policy and the framework for risk-based due diligence, the FAO secretariat has translated the Guidance into Arabic, Mandarin, Russian and Spanish since 2016.¹³

38. The current implementation plan of the Guidance [[DAF/INV\(2020\)10/FINAL](#); [TAD/CA\(2020\)3/FINAL](#)], approved by the IC and COAG in October 2020, builds on the first implementation plan and incorporates the recommendations from the pilot project and the multi-stakeholder advisory group. It proposes five priority actions to support the implementation and uptake of the Guidance at scale, including actions which Adherents can take to implement the Recommendation by supporting incorporation or reference of the Guidance in national regulations, policies, and frameworks. The implementation plan has benefited from oral and written feedback from the delegates to the WPRBC and APM. Similar to the first implementation plan, the proposed actions in the current implementation plan require voluntary contributions from donor countries.

39. In April 2020, the COAG approved its Programme of Work and Budget (PWB) for 2021-2022 [[TAD/CA\(2020\)1/REV2](#)]. In this document, the role of responsible business conduct was recognised as central to the achievement of the overarching goal of “a productive, sustainable and resilient food system.” In this respect, there may be an opportunity to better coordinate support and funding of Adherent actions to promote the Agriculture Recommendation and the Guidance.

40. The Guidance has been referenced in annual G20 declarations calling for its implementation since 2017 (G20 Research Group, 2017_[16]) (G20 Research Group, 2018_[17]) (G20 Research Group, 2019_[18]). In 2020, the G20 Agriculture and Water Ministers reaffirmed further support for the Guidance and called for its implementation by companies in the 2020 Communiqué (G20 Research Group, 2020_[19]). In January 2021, 76 agriculture ministers agreed to an ambitious final communiqué (Global Forum for Food and Agriculture, 2021_[20]) at the Global Forum for Food and Agriculture (GFFA) to create the conditions to encourage responsible, sustainable and inclusive investment and research, in line with the Guidance.

41. Over the last five years, the developments in regional blocs at the European and Southeast Asia level, have reflected and referenced the Guidance. The ASEAN Guidelines on Promoting Responsible Investment in Food, Agriculture and Forestry (ASEAN-RAI) was adopted at the 40th ASEAN Ministers on Agriculture and Forestry meeting in October 2018 and includes the Guidance within its key overarching principles (ASEAN Technical Working Group on Agriculture and Research Development, 2018_[21]). Most recently, the European Union (EU) developed a Code of Conduct on Responsible Food Business and Marketing Practices as part of the EU’s Farm to Fork Strategy (European Commission, 2021_[22]). This code was launched in July 2021, references the Guidance and recommends that enterprises apply risk-based due diligence in line with the Guidance.

42. Beyond implementation within and across Adherents’ own governments, there have been actions to implement the Agriculture Recommendation in non-Adherents through regional programmes led by the Secretariat and supported by Adherents. Although such implementation is largely focused on private sector uptake of the Guidance, the multi-stakeholder nature of due diligence means that national government stakeholders play a significant role in the process.

43. One example of implementation activities of the Guidance is the pilot project conducted in 2018 and 2019 in Southeast Asian economies under the EU-funded Responsible Supply Chains in Asia programme. 23 agri-business enterprises from Myanmar, the Philippines, Thailand and Viet Nam participated in this pilot project, with strong encouragement from their respective national governments.

¹³ The OECD-FAO Guidance for Responsible Agricultural Supply Chains is available in Arabic, <https://doi.org/10.1787/4456d3f6-ar>; Chinese, <https://doi.org/10.1787/9789264273016-zh>; English, <https://doi.org/10.1787/9789264251052-en>; French, <https://doi.org/10.1787/9789264264038-fr>; German, <https://doi.org/10.1787/9789264261235-de>; Spanish, <https://doi.org/10.1787/9789264261358-es>; Russian, <https://doi.org/10.1787/854ccd5d-ru> as well as its provisional translation in Japanese, Myanmar language, Ukrainian and Vietnamese can be found at <https://mneguidelines.oecd.org/oecd-fao-guidance-responsible-agricultural-supply-chains.htm>

Many pilot participants operates in multiple stages of the agricultural value chain, including investors, and across a wide range of commodities, They represent a very diverse group of enterprises operating across countries, with 91% of them involved in cross-border trade. Similar set of implementation activities to promote awareness of the Guidance’s model enterprise policy and due diligence framework is taking place under the EU-funded Responsible Business Conduct in Latin America and the Caribbean programme, which targets the agricultural sector in seven countries in the region including six Adherents – Argentina, Brazil, Chile, Colombia, Costa Rica and Mexico – as well as Peru who is a non-Adherent to the Agriculture Recommendation.

Implementation of the Recommendation provision by provision

44. To provide a clear overview at the outset, the below table provides a summary of which Adherents provided answers to the Questionnaire (hereafter the “Respondents”).

Table 4.1. Overview of answers to the Questionnaire by Adherents

	Yes
	No
	Answered the Questionnaire but did not provide information relevant to this Recommendation
	Did not submit an answer to the Questionnaire

	1.1 Promotional activity, awareness raising, trainings, outreach events or dissemination of publications	2.1 References to the Guidance in current domestic laws, regulations, rules, procedures, guidance to comply with regulations, or other government issued guidance	3.1 Supporting, enabling or incentivising use of the Guidance or integration of the due diligence framework into company management systems	3.3 Conditioning public procurement, export credit or guarantees, trade support, or any other types of financing for the private sector on demonstrated implementation of the Guidance	3.4 Supporting dissemination or implementation of the Guidance through Official Development Assistance activities	3.5 Monitoring the results or impacts of Adherent efforts to promote, incentivise or enable responsible supply chains or the implementation of the Guidance
Argentina	Y	N		N	N	N
Australia	Y		N	N	N	N
Austria	Y			Y	N	
Belgium	Y		Y			
Brazil		Y	Y	N	N	Y
Canada					N	
Chile	Y	Y	Y	N	N	N
Colombia		Y	Y	N	N	Y
Costa Rica	Y	N	N	N	N	N
Croatia	Y			N		N
Czech Republic				N	N	
Denmark		N		N	N	N
Estonia					N	N
Finland					N	
France	Y	Y		N		
Germany	Y	Y	Y		Y	

Greece	Y		N		N	N
Hungary		N	N	N	N	N
Iceland						
Ireland			N			N
Israel						
Italy	Y				N	N
Japan	Y	N				N
Kazakhstan						
Korea						
Latvia		N	N	Y	N	Y
Lithuania	Y	N		N	N	
Luxembourg						
Mexico		N	N	N	Y	N
Netherlands	Y	Y	Y			
New Zealand			N	N	N	
Norway						N
Poland	Y	N	N	N		N
Portugal				N	N	
Slovak Republic	N					
Slovenia	N	N	N	N	N	N
Spain	Y	N	N	N	N	N
Sweden					N	N
Switzerland	Y	Y	Y	Y	Y	Y
Turkey				N	N	
United Kingdom		Y		N	N	N
United States						
Uruguay (2021)	N/A	N/A	N/A	N/A	N/A	N/A

Note: Uruguay did not receive the Questionnaire because it had not yet adhered to the Agriculture Recommendation at the time of the reporting period.

45. The following sections address each provision of the Agriculture Recommendation in turn, providing analytical summaries and aggregate results of the answers provided, highlighting best practices, and sharing important contextual information.

Engagement, promotion, dissemination and monitoring

46. The Agriculture Recommendation states that Adherents and where relevant their NCPs, with the support of the OECD Secretariat including through its activities with the UN and international development organisations, ensure the widest possible dissemination of the Guidance and its active use by various stakeholders, including on-farm, downstream and upstream enterprises, affected communities and civil society organisations. It also invites Adherents to disseminate this Recommendation. The Agriculture Recommendation further suggests that Adherents regularly report to the IC and the COAG on any dissemination and implementation activities. Section 1 of the Questionnaire focuses on activity by Adherents to meet the Agriculture Recommendation through disseminating the Guidance, engaging with stakeholders, raising awareness, and monitoring dissemination efforts.

Question 1.1: Promotional activity, awareness raising, trainings, outreach events or dissemination of publications

47. Seventeen Respondents of the 42 Adherents (40%) reported on their efforts in promotion, awareness raising, trainings, outreach events or dissemination of publications related to or referencing the Guidance as stated in the Agriculture Recommendation. Three non-Adherents, namely Morocco, Romania and Ukraine and the European Union cited their promotional efforts of the Guidance.

48. The Secretariat notes that although only 17 Respondents answered this section of the Questionnaire, 26 Adherents (62%) have in practice made the Guidance and related publications accessible on governmental websites, in print and in some cases languages other than English and French.

49. Translation of the Guidance into national languages is a vital step to promote it and several Adherents have taken this action. Since its publication in 2016, the Guidance has been translated into German and Ukrainian. Japan translated the Guidance in 2020 and publicized this through the Japanese Public-Private Council for Promoting the Global Food Value Chain. This Council consists of over 600 members from business, policy makers, academia and other stakeholders. The Brazilian NCP reviewed the Portuguese translation of the Guidance and this will be published later in 2021. Two non-Adherents, Morocco and Tunisia, have reviewed the Arabic version of the Guidance made available in February 2021.

50. To raise awareness and understanding of the Guidance amongst stakeholders, five Respondents (12%) highlighted that they have organised special events, workshops and informational meetings on the Guidance with relevant ministries, embassies, businesses and key stakeholders in-country. Chile and the Czech Republic hosted from 2019 through 2020 and in October 2019 respectively awareness raising and training workshops for business, policy makers and relevant stakeholders on implementation of due diligence in agricultural supply chains. The French NCP organised a meeting with the Ministry of Agriculture and Food to provide an update on the implementation of the Guidance.

51. Adherents have also collaborated with the Secretariat to jointly promote the Guidance. Germany invited the OECD Secretariat to present the Guidance at the 2020 Global Forum for Food and Agriculture (GFFA). In the following year, the 13th GFFA concluded with the Berlin Agriculture Ministers' Conference where 76 agriculture ministers agreed to commit to creating the conditions that encourage responsible, sustainable and inclusive investment and research, in line with the Committee on World Food Security's Principles for Responsible Investment in Agriculture and Food Systems and the Guidance.

52. During the Bangkok Business and Human Rights Week in 2020 (postponed to 2021 due to COVID-19), Switzerland organised an event on Sustainable Consumption and Production and Business and Human Rights with a focus on agricultural supply chains. The Swiss NCP asked the OECD Secretariat to present the Guidance and moderate a workshop on due diligence practices in the agricultural sector. Switzerland also invited the OECD Secretariat to present the Guidance in 2020 at a webinar on human rights in agricultural supply chains co-organised with one of the country's leading certification systems.

53. Adherents have also taken steps to advance responsible agricultural supply chains through promoting national and multi-stakeholder initiatives, increasing the strategic engagement with business and relevant stakeholders in key commodity chains and developing tools to support industries.

54. The Netherlands supported the International Responsible Business Conduct (IRBC) Sustainable Food Products Agreement in June 2018 which was adopted by key industry associations, unions and civil society in the country to meet international expectations on responsible business conduct (International RBC, 2018_[23]). The Agreement makes explicit reference to the Guidance and the five-step framework for risk-based due diligence. The Netherlands has also encouraged the commitment of the Dutch government, companies and civil society organisations to the Guidelines and implementation of risk-based due diligence through the Dutch Initiative on Sustainable Cocoa (DISCO) declaration in August 2020 (Dutch Initiative on Sustainable Cocoa, 2020_[24]).

55. Germany recommended “a more rigorous application” of the Guidance by German enterprises and enterprises operating in the German market via the Federal Government’s “Guidelines on the Promotion of Deforestation-Free Supply Chains of Agricultural Commodities” in April 2020 (Federal Ministry of Food and Agriculture, 2020_[25]).

56. In 2019, the Italian NCP published the "The National Contact Points for the OECD Guidelines for Multinational Enterprises: A global network for a responsible agri-food supply chain" in ECONOMIA AGRO-ALIMENTARE to help enterprises in the agricultural sector observe the Guidelines and due diligence in the agricultural sector (Branchini, 2019_[26]).

Question 1.2: Studies or assessments of company implementation of due diligence

57. Six Respondents of the 42 Adherents (14%) indicated that they have conducted studies or assessments on whether companies operating in or from their territories are implementing the Guidance.

58. In the context of the IRBC Sustainable Food Products Agreement that integrated the Guidance, the Netherlands undertook a mid-term review to assess the extent to which the Agreement has helped companies in the food products sector carry out due diligence along their supply chains and suggest areas for improvement (International RBC, 2019_[27]).

59. The European Commission published a paper on "Corporate Social Responsibility, Responsible Business Conduct, and Business & Human Rights: Overview of Progress" in April 2019 which demonstrates the implementation of Corporate Social Responsibility (CSR) and Business and Human Rights by the European Commission and European External Action Service under the EU strategy for CSR. This paper highlights the EU’s active engagement with the OECD, including its support in the implementation of the Guidance. The EU study on due diligence requirements published in January 2020 analyses how enterprises define and implement due diligence processes to prevent, mitigate and account for adverse impact on people and the planet. Respondents to the enterprise survey included some agriculture and agribusinesses (8.68% of respondents) and provides insight into the diversity of EU agri-food businesses and the cost of due diligence.

Question 1.3: Participation in multi-stakeholder activities of the implementation plans of the Guidance

60. Sixteen Respondents (38%) and the European Commission are part of the multi-stakeholder advisory group which advises and supports the implementation plan of the Guidance [[COM/DAF/TAD\(2013\)2](#)]. Adherents’ participation in the advisory group contributes to shaping implementation activities of the Guidance and informs and feeds into discussions with non-government stakeholders who are also part of the advisory group. Insights from the advisory group helped identify the five priority actions in the latest implementation plan (2020-2022), to accelerate and scale-up the implementation of the Guidance in global agricultural value chains [[DAF/INV\(2020\)10/FINAL](#); [TAD/CA\(2020\)3/FINAL](#)].

61. The implementation plan is governed by the Proactive Agenda [[DAF/INV/WP\(2012\)5/REV2](#)]. The multi-stakeholder advisory group, which is chaired by an Adherent, was set up in 2013 to develop the Guidance itself and provide advice on any implementation actions carried out thereafter. Adherents who are part of the advisory group include the United States who has acted as the Chair since the inception, as well as Argentina, Belgium, Canada, Chile, Colombia, Costa Rica, France, Germany, Italy, Korea, the Netherlands, Norway, Sweden, Switzerland and the United Kingdom. The European Commission is an active member of the advisory group and has taken part in several multi-stakeholder roundtables organised by the Secretariat. The engagement of Adherents is an important sign of political support, and helps meet the Agriculture Recommendation’s proposal to “ensure the widest possible dissemination of the Guidance and its active use by various stakeholders”.

62. Through the Questionnaire, seven Respondents (17%) highlighted their engagement in the advisory group. The OECD Secretariat notes however that 11 additional Adherents did not answer this section of the Questionnaire even though they are members of the advisory group.

63. In response to this question, Brazil highlighted its engagement in the EU-funded Promoting Responsible Business Conduct in Latin America and the Caribbean programme implemented by the OECD, the International Labour Organization (ILO) and the UN Office of the High Commissioner for Human Rights (OHCHR). This programme aims to promote responsible business conduct in Latin America including in the agricultural sector, and as such focuses on the implementation of the Guidance with business and policy makers. In total eight countries are engaged in this programme. This includes six Adherents namely Argentina, Brazil, Chile, Colombia, Costa Rica and Mexico as well as two non-Adherents, Peru and Ecuador.

Question 1.4: Contributions to the implementation plans of the Guidance

64. Seven Adherents (17%) have supported the implementation plans of the Guidance through financial and non-financial contributions¹⁴ although only five Respondents reported such support in the Questionnaire. Financial contributions from Adherents and donors such as the EU, are essential to carry out actions under the implementation plan as these are fully dependent on voluntary contributions.

65. A few Adherents and the European Union have supported the implementation plans of the Guidance through voluntary contributions. This support has resulted in pilot projects with agri-businesses from Adherent and non-Adherent countries to promote understanding of the model enterprise policy, translations of the Guidance beyond OECD official languages, the development of materials and tools targeted to enterprises to promote integration of the risk-based due diligence framework, awareness-raising events with stakeholders from Adherents and non-Adherents, as well as capacity building with enterprises and policy makers.

Regulatory and policy coherence

66. The Agriculture Recommendation encourages Adherents to actively support the adoption of the model enterprise policy by enterprises operating in or from their territories and the integration into corporate management systems of the five-step framework for risk-based due diligence along agricultural supply chains as set out in the Guidance. Since the Guidance by design aims to unify the fragmented landscape of responsible business conduct standards relevant to agricultural supply chains, references to the Guidance in regulations and government policies help Adherents strengthen the comparability and quality of their efforts to promote the Agriculture Recommendation. This in turn reduces inefficiencies and the cost for enterprises operating across national borders, and improves the impact of responsible business conduct by aligning corporate actions with global recommendations endorsed by stakeholders. Section 2 of the Questionnaire focuses on policy making, specifically Adherents' efforts to meet the Agriculture Recommendation by integrating the Guidance into domestic laws, regulations, rules or government issued guidance. This includes any plans by Adherents to do so in the future, and any internal measures or mechanisms to enable intra-governmental policy coherence on the topic.

¹⁴ Non-financial contributions include translation of the Guidance. Although the Report covers Adherent activities until December 2020, the OECD Secretariat noted that Croatia translated the two-page factsheet of the Guidance in 2021 and Poland planned to publish the Polish version of the Guidance in 2021.

Question 2.1/2.2: References to the Guidance in current and future domestic laws, regulations, rules, procedures, guidance to comply with regulations, or other government issued guidance

67. Eight Respondents of the 42 Adherents (19%) have integrated or referenced the Guidance in domestic laws, regulations, rules, procedures, guidance to comply with regulations, or other government issued guidance in response to the Agriculture Recommendation.

68. Brazil, who adhered to the Agriculture Recommendation in 2019, updated its Regulatory Norm 31 (NR 31 – Occupational Safety and Health in Agriculture, Livestock, Silviculture, Forestry and Aquaculture) in October 2020. NR 31 regulates the subordinate work carried out in rural activities from the perspective of occupational safety and health. It is published by the Special Secretariat for Social Security and Labor, under the Ministry of Economy, and will come into force in October 2021 (Ministério da Economia and Secretaria Especial de Previdência e Trabalho, 2020_[28]). NR 31 supports responsible business conduct along agricultural supply chains by enforcing health and safety standards and requiring risk mitigation and prevention measures by implementing due diligence although there is no specific reference to the Guidance or the risk-based due diligence framework in NR 31.

69. In 2020, Chile developed its Agri-food Sustainability Strategy through 2030 (Oficina de Estudios y Política Agraria, Ministerio de Agricultura, 2020_[29]). This work was led by the Office of Agricultural Studies and Policies of the Ministry of Agriculture, in collaboration with relevant public entities including the RBC Division of the Ministry of Foreign Affairs, the Chilean NCP, the private sector and civil society. The Strategy sets out the vision that the national agri-food sector is committed to the sustainable food production to benefit people, communities, and the environment, via the development of local economies. The Strategy proposes priority actions to “promote a company-community dialogue that understands and implements due diligence”. It also promotes responsible sourcing and due diligence implementation to minimise risks and help organizations become more resilient in the face of crises. The Strategy was subject to a public consultation from early 2021 and will be finalised in the following months. Although much of the language reflects elements of risk-based due diligence, the Strategy does not explicitly reference the Guidance.

70. In 2017, France adopted the Duty of Vigilance Law No. 2017-399 which requires business to identify and mitigate the social and environmental risks associated with their activities, including risks related to deforestation. Agricultural expansion is the most significant driver of global deforestation and accounts for an estimated 73 percent of tropical deforestation, of which 40 percent is linked to large-scale commercial agriculture and 33 percent to small-scale subsistence (Hosonuma, 2012_[30]). The French national strategy to combat imported deforestation 2018-2030 encourages companies and all actors, including policy makers, unions and civil society, to build on the Guidance and due diligence to improve risk analysis and reporting and to scale-up implementation on a European and global level (Ministère de la transition écologique et solidaire, 2018_[31]). The strategy explicitly recommends and refers to the Guidance and the implementation programme to develop agricultural sector plans for responsible supply chains.

71. The United Kingdom’s Department for Environment Food and Rural Affairs (DEFRA) plans to introduce legislation through the Environment Bill which will require business to carry out due diligence to identify, assess and mitigate risks on forests and report on due diligence to tackle illegal deforestation in global supply chains (United Kingdom Parliament, n.d._[32]). The Bill while meeting key aspects of due diligence, does not explicitly reference the Guidance.

72. Twenty-three Adherents are Member States of the EU. These Adherents look to European level legislation to guide efforts to meet the Agriculture Recommendation through legislation such as Regulation (EU) 2020/852 on the framework to facilitate sustainable investment (EUR-Lex, 2020_[33]), as well as Directive 2014/95/EU on disclosure of non-financial and diversity information, or in short the Non-Financial Reporting Directive (NFRD) (EUR-Lex, 2014_[34]). While current EU legislative actions, do not

specifically reference the Guidance, they reference and align with core OECD standards on responsible business conduct and the OECD risk-based due diligence framework. Thus arguably, the regulatory actions of the EU will result in significant movement by Adherents who are EU member states to meet the Agriculture Recommendation, once the regulation is rolled-out. This will have a direct effect on the uptake of the Guidance by EU business as well as businesses outside the EU who are seeking to access EU markets.

73. Six Respondents (14%) highlighted their plans to integrate or, reference the Guidance in domestic laws, regulations, rules, procedures, guidance to comply with regulations, or other government issued guidance.

74. The policy statement of the Belgian Minister of Climate, Environment, Sustainable Development and Green Deal for the 2020-2024 legislature although not referencing the Guidance specifically, reiterates the government's commitment to playing a leading role in the development of a European legislative framework on due diligence (Chambre des Représentants de Belgique, 2020^[35]). Belgium also plans to include this as a focus in the Belgian EU presidency in 2024. Belgium also highlighted its support of the implementation of the EU's Beyond Food Strategy as well as the EU's Farm to Fork Strategy to address risks along global supply chains related to food safety, biodiversity loss, deforestation, greenhouse gas emissions, ecosystem disruption and climate change.

75. In Switzerland, the Responsible Business Initiative was rejected in a popular vote in November 2020. However, the indirect counterproposal of the Parliament shall provide new provisions in the Code of Obligations (Le Conseil fédéral, 2021^[36]). As these changes come into effect in 2022, large public enterprises and financial institutions will be required to report on environmental and social issues, labour rights, human rights and the fight against corruption largely in line with the EU's NFRD, and enterprises and institutions should cite if they are using international standards such as the Guidance. In addition, enterprises will need to carry out and report on due diligence in the supply chain for products or services which are likely linked to the use of child labour. The Swiss indicated that the Swiss Federal Council may issue related regulations taking into account the Guidelines.

76. A number of Adherents that are EU Member States noted that the European Commission adopted a proposal for a Corporate Sustainability Reporting Directive (CSRD), which would amend the existing reporting requirements of the NFRD. The proposal for a directive on Sustainable Corporate Governance is also planned for the Commission's adoption in 2021.

Question 2.3: Other policies, regulations or rules that may contribute to, enable or affect company implementation of the Guidance

77. Seven Respondents (17%) identified other policies, regulations or rules that may contribute to, enable or affect company implementation of the Guidance as part of their support of the Agriculture Recommendation.

78. Austria's 2018 Foreign Trade Strategy recommends enterprises to avoid and address adverse impacts on people, the environment and society in line with the Guidelines, noting that responsible business conduct can help companies manage risks efficiently, build trust and increase a company's potential to gain a larger market share (Republic of Austria Federal Ministry for Digital and Economic Affairs, 2018^[37]). The Strategy specifically encourages enterprises to "carry out risk-based due diligence processes in order to identify and prevent possible negative impacts of their business activities in good time."

79. Although it does not contain reference to the Guidance, Slovenia adopted the Law on Agriculture in 2018 with a special chapter for tackling unfair trading practices in the sector and improving the position of both farmers and small- and medium-sized enterprises (SMEs) in the agricultural and food supply chain, which was the first of its kind in national legislation in the EU. This Law was renewed in 2021 transposing the EU Directive on unfair trading practices in business-to-business relationships in the agricultural and

food supply chain (EUR-Lex, 2019^[38]) and Slovenia has designated its Competition Protection Agency and special ombudsman to enforce these rules.

80. Several Respondents highlighted other regulations, national and regional initiatives, as well as adoption of relevant international standards to promote responsible agricultural practices and investments, sustainable food production and consumption, safe and quality food trade. As more Adherents are pledging to achieve carbon neutrality, agricultural supply chains are increasingly becoming a strategic area for intervention.

81. For example, the EU developed the Farm to Fork Strategy in 2020 as part of the European Green Deal (EUR-Lex, 2020^[39]). Two actions planned under the Farm to Fork Strategy may accelerate the implementation of the Guidance and help Adherents who are EU member states better fulfil the Agriculture Recommendation. Action 13 calls for an improvement of the corporate governance framework, including a requirement for the food industry to integrate sustainability into corporate strategies. Similarly Action 14 call for the development of an EU code and monitoring framework for responsible business and marketing conduct in the food supply chain. Action 14 on the Code of Conduct for Responsible Food Business and Marketing Practices was developed through a multi-stakeholder process in 2020 and finalized in June 2021 (European Commission, 2021^[40]). The Code references the Guidance and recommends that enterprises apply risk-based due diligence to identify, map and prioritise measures to address adverse environmental, social and economic impacts in agri-food supply chains.

82. Furthermore, an EU multi-stakeholder dialogue for sustainable cocoa was launched in September 2020 to ensure a living income for farmers and address deforestation and child labour impacts in the cocoa sector, in collaboration with the government, investors and business stakeholders in Cote d'Ivoire and Ghana (European Commission, 2020^[41]). One of the dialogue's pillars of how deforestation and child labour risks could be addressed is through supply chain due diligence although for the moment there is no specific reference to the Guidance. This is an opportunity for Adherents who are EU member states to advocate for its inclusion to help meet expectations under the Agriculture Recommendation. This EU dialogue will feed into discussions on mandatory due diligence at the EU level, and this can promote policy coherence across the EU and develop recommendations for co-operation between partner countries, business and international organisations aligning with the Guidance and in support of the Agriculture Recommendation.

83. Additionally, in October 2020, the European Parliament adopted the legislative-initiative report "An EU legal framework to halt and reverse EU-driven global deforestation" in plenary which calls on the European Commission to propose an EU legal framework based on mandatory requirements for due diligence, reporting, disclosure and third-party involvement for companies placing forest and ecosystem-risk commodities and derived products on the EU market (European Parliament, n.d.^[42]). The Commission Work Programme 2021 includes a legislative proposal for minimising the risk of deforestation and forest degradation associated with products placed on the EU market (European Commission, 2020^[43]).

84. Although it does not contain any explicit reference to the Guidance, the EU's Common Agricultural Policy evolved since 1962 may enable the greater uptake of the Guidance given its objectives to help EU producers farming in a sustainable and environmentally friendly manner and maintaining soils and biodiversity (European Commission, n.d.^[44]).

85. As the Guidance recommends that enterprises consider observing the Codex Alimentarius to mitigate health and safety risks, 188 countries and the EU who are members of the Codex Alimentarius Commission may contribute to the implementation of the aims related to food safety in the Guidance.

Question 2.4/2.5: Intra-government mechanism among the various national authorities to ensure policy coherence

86. Twenty-four Respondents (57%) responded that more than one government agency plays a role in implementation of the Agriculture Recommendation. Relevant agencies range from Ministries of Agriculture and Rural Affairs to Economy, Environment and Natural Resources, Foreign Affairs, Labour and Health. Several Respondents also listed the agencies related to public procurement, competition and foreign aid. Given the extent of relevant government agencies for implementation of the Agriculture Recommendation, explicit use of the Guidance can help promote a common understanding of international expectations on responsible agricultural supply chains among them and an alignment of national policies with global best practices and existing market standards supported by multinational enterprises and stakeholders in the agricultural sector.

87. Seven Respondents (17%) reported on a mechanism among national authorities to ensure policy coherence although there is limited integration of or reference to the Guidance to meet the Agriculture Recommendation. The Secretariat also noted steps taken at the regional bloc supported by many Adherents.

88. Brazil's Agricultural Policy Council supports strategic decision-making of the public administration. Additionally the National Commission for the Eradication of Forced Labour (CONATRAE) created in 2003 and reformulated in 2019. As most rescues from forced labour are carried out on-farm or at the production level, CONATRAE brings together representatives including leading enterprises with business activities that can potentially cause, contribute or be directly linked to forced labour.

89. In Colombia, the consultative body of the Ministry of Agriculture and Rural Development, the *Consejo Nacional de Secretarios de Agricultura* (National Board of Agriculture Secretaries) promotes the co-ordination and development of policies on agriculture and rural development throughout different levels of the national government.

90. Germany has inter-ministerial exchanges on food and agriculture on a regular basis as well as institutionalized ministerial meetings, such as through the *Ressortkreis Afrika* (Interdepartmental Group for Africa) or *Arbeitskreis Welternährung* (Working Group on Global Food Security) to ensure and co-ordinate policy coherence.

91. The Swiss State Secretariat for Economic Affairs (SECO), Federal Department of Foreign Affairs (FDFA) and Federal Office for Agriculture (FOAG) have regular exchanges on developments related to responsible agricultural supply chains. This co-ordination enable Switzerland to promote better cooperation and impact with international Swiss partners such as the OECD, FAO, International Institute for Sustainable Development (IISD), and Grow Asia, all of whom work on responsible agricultural supply chains. These discussions have resulted in potential areas for future cross collaboration.

92. Multiple Directorates-General (DGs) of the European Commission are responsible for policy areas relevant to the Agriculture Recommendation, such as Directorate-General for Agriculture and Rural Development (DG AGRI), Environment (DG ENV), Financial Stability, Financial Services and Capital markets Union (DG FISMA), Internal Market, Industry, Entrepreneurship and SMEs (DG GROW), Justice and Consumers (DG JUST), Health and Food Safety (DG SANTE) and Trade (DG TRADE). The EU and its member states have gradually strengthened work on procedures, instruments and mechanisms to promote and enhance policy coherence for development (European Commission, n.d.^[45]). The Better Regulation Package includes specific guidance and a tool box for analysing the potential impact of important EU policy initiatives on developing countries.

Approaches to enable and incentivise implementation of due diligence by enterprises

93. The Agriculture Recommendation also states that Adherents and, where relevant, their NCPs, actively promote the use of the Guidance by enterprises operating in or from their territories with the aim of ensuring that they observe internationally agreed standards of responsible business conduct along agricultural supply chains in order to prevent the adverse impacts of their activities and contribute to sustainable development, and in particular poverty reduction, food security and gender equality. As such, Section 3 of the Questionnaire focuses on activities by Adherents to support or incentivise uptake of the Guidance beyond regulation.

Question 3.1: Supporting, enabling or incentivising use of the Guidance or integration of the due diligence framework into company management systems

94. Seven Respondents of the 42 Adherents (17%) highlighted how they have enabled or incentivised use of the Guidance by companies or have actively supported the integration of risk-based due diligence into company management systems or collaborative initiatives for agricultural industries to meet the Agriculture Recommendation.

95. Belgium highlighted its participation in the 2015 Amsterdam Declarations Partnership, to support deforestation-free agricultural supply chains, notably in the palm oil sector (Amsterdam Declarations Partnership, n.d.^[46]). Signatory countries have recently renewed their commitment “to promote sustainability in agriculture by eliminating deforestation in relation to agricultural commodities, and by working in partnership with consumer and producer countries and with all actors along the supply chains to this end” (Amsterdam Declarations Partnership, 2021^[47]). The Partnership, which also includes Denmark, France, Germany, Italy, the Netherlands, Norway, Spain and the United Kingdom, encourages European enterprises in the palm oil supply chain to implement the Guidance (Amsterdam Declarations Partnership, 2016^[48]). Through this Partnership, countries, continue to “support policies and measures to strengthen European markets for sustainable and deforestation-free agricultural commodities, including producer and consumer awareness, enhanced sustainability of public and private procurement, due diligence management, in bilateral agreements, national multi-stakeholder commodity initiatives, and public-private partnerships” (Amsterdam Declarations Partnership, 2016^[48]).

96. Chile has also included specific goals and actions on due diligence in its Clean Production Agreements of 2020 which are voluntary agreements negotiated and signed by the industry associations of selected sectors including agriculture and relevant public offices. The implementation of the Agreements is promoted by the Agency for Sustainability and Climate Change, and the RBC Division of the Ministry of Foreign Affairs. The Chilean NCP provides technical expertise on due diligence to support the actions of enterprises in the dairy and agri-food industries. However it is unclear that any explicit reference to the Guidance was made in these efforts in support of this Recommendation.

97. As noted in paragraph 58, the German Federal Government has adopted Guidelines on the Promotion of Deforestation-Free Supply Chains of Agricultural Commodities in April 2020 in which German enterprises and enterprises operating in the German market are recommended to implement the Guidance rigorously. In 2019, enterprises who wished to participate in high level trade missions of the Federal Ministry of Food and Agriculture (BMEL) were required to sign a declaration that reaffirmed the expectation of German enterprises operating abroad to conduct business responsibly, referring to the Guidelines. German enterprises that have taken part in BMEL’s Bilateral Cooperation Programme are also expected to commit to these expectations and to assist partner countries in promoting an enabling environment and an efficient and sustainable entrepreneurial industry in the agri-food sector.

98. Similarly as noted in paragraph 61, since 2018, the Netherlands has promoted the uptake of the Guidelines and the Guidance through the IRBC Sustainable Food Products Agreement together with key industry associations, unions and civil society. The implementation of the Guidelines, and the

recommendations on due diligence, have been also promoted through the IRBC Agreement for the Floricultural Sector in July 2019.

99. Since 2017, Switzerland through SECO provides financial support to the Swiss Platform for Sustainable Cocoa (SWISSCO) – the multi-stakeholder initiative consisting of cocoa industry players, non-governmental organisations, research institutions and SECO, which seeks to promote a responsible sector through the uptake of the UN Guiding Principles for Business and Human Rights. SWISSCO aims at sourcing at least 80% of its cocoa sustainably by 2025. In its 2019 annual report, SWISSCO also encouraged over 60 members to implement the Guidance to promote responsible cocoa supply chains (Swiss Platform for Sustainable Cocoa, 2019^[49]).

Question 3.2: Policies or other supporting actions encouraging a gender-responsive approach to supply chain due diligence

100. In the agricultural sector, women make up nearly 40% of the workforce globally (ILO, 2019^[50]). At certain stages of the supply chain or in specific commodity chains, women can represent the overwhelming majority of the labour force. Across regions women from diverse social categories still face major gender-specific constraints anchored in deeply rooted social and cultural norms determining what is acceptable in terms of women’s behaviours and roles. This limits their potential as economic actors and their ability to realize the full benefits of their contribution (FAO, 2020^[51]). Integrating a gender perspective into supply chain due diligence as recommended by the Guidance can support enterprises in taking a proactive and systematic approach to risk management while ensuring that actions do not undermine gender equality. Enterprises operating in the agricultural sector thus have an immense opportunity to promote gender equality, raise the prospects of women in the sector, and contribute towards the SDGs, notably Goal 5 on achieving gender equality and empowering all women and girls.

101. Five Respondents (12%) stated that they have implemented a policy or other supporting actions encouraging a gender-responsive approach to supply chain due diligence in the agricultural sector. The Secretariat also noted actions taken by Adherents that may help promote gender-sensitive due diligence in the sector.

102. Brazil initiated the “#Mulheres Rurais (#Rural Women Workers)” campaign in 2015 to increase visibility to the work of rural women. The 4th edition of this campaign was led by the Secretariat of Family Agriculture and Cooperatives of the Ministry of Agriculture, Livestock and Food Supply in April 2019, in partnership with the FAO, to value the rights of rural women, promote gender equality and end poverty. The National Family Farming Seal created in November 2018 and reinforced in August 2019 by the Ministerial Ordinance No. 161 is a tool to communicate the origin and characteristics of products, including women-led family farming, with consumers to increase transparency and traceability in agricultural supply chains. Although there is no reference to the Guidance or the use of the five-step due diligence framework as put forward in the Agriculture Recommendation, these steps may promote a gender sensitive approach.

103. Costa Rica provided several examples of legal frameworks and policy instruments to promote gender equality in the agricultural sector. The policy on gender equality for inclusive development in the agricultural, fishery and rural sectors of Costa Rica laid out concrete action plans for 2020-2024. The Payment for Environmental Services (PES) through the National Forestry Financing Fund (FONAFIFO) was recently modified to expand the participation of women in the PES contracts. The National Institute on Agricultural Innovation and Technology Transfer (INTA) conducts a project with the Government of Australia to supply quality cassava seeds to women producers in the Atlantic region. These measures do not refer to the Guidance or integrate the five-step due diligence framework, but may support a gender responsive approach.

104. The Japanese Ministry of Agriculture, Forestry and Fisheries (MAFF) provides trainings to promote the meaningful participation of women in the formulation of regional agricultural policies and

leadership roles in agricultural committees and co-operatives. Japan has also developed a framework for family farming, the Family Management Agreement, to promote women's greater participation in decision-making and management. In addition, MAFF supports a series of seminars led by organisations such as the Women's Agricultural Committee, to encourage women's professional development and advancement and to report on the progress of women's appointment in leadership roles. Japan noted that the use of the Guidance is not specifically promoted, however these efforts can contribute to the implementation of the Agriculture Recommendation.

105. Switzerland supported the UN Working Group on Business and Human Rights to produce a booklet "Gender Dimensions of the Guiding Principles on Business and Human Rights" in November 2019. The booklet refers to the OECD due diligence framework to help enterprises carry out gender-responsive due diligence. Although not targeted to a particular sector, this approach may highlight how due diligence as recommended by the OECD can support a gender sensitive and gender effective approach to risk management and demonstrate high relevance to enterprises in the agricultural sector given women's role in the workforce.

Question 3.3: Conditioning public procurement, export credit or guarantees, trade support, or any other types of financing for the private sector on demonstrated implementation of the Guidance

106. Only three Respondents (7%) reported that they condition public procurement, export credit or guarantees, trade support, or any other types of financing for the private sector on demonstrated implementation of OECD recommendations on responsible business conduct and due diligence. The Secretariat also noted several other measures taken by Adherents to enable and incentivise implementation of the Guidance by agricultural industry. Given the sizeable reach and force of public procurement, these steps can help create a cumulative application of the Agriculture Recommendation to build responsible agricultural supply chains. For instance, the EU's total social food service market was estimated at 82 billion euros in 2014, with public and private expenditure combined (The Maltese Presidency and the European Commission, 2017^[52]).

107. Although not targeted to a certain sector, the Austrian Export Credit Agency refers to the Guidelines in its environmental and social assessment procedure and invited the OECD Secretariat in February 2019 to present the practical application of the Guidelines and the OECD framework for risk-based due diligence at its workshop for business.

108. The Brazil Development Bank (BNDES) is a state-owned enterprise that promotes long-term investments for micro, small and medium-sized enterprises, including those operating in upstream and downstream agricultural supply chains, along social investment lines. The BNDES Social and Environmental Responsibility Policy was approved in 2019 to further promote sustainable development, respect for human rights, ethics and transparency and socio-environmental responsibility. The BNDES offers several financial support mechanisms to Brazilian companies of any size as well as public administration entities and uses due diligence for decision-making on granting financial assistance. However it is unclear if this due diligence is aligned to the Guidance and in support of this Recommendation.

109. From April 2018 to June 2019, the Government of Finland supported a capacity-building programme for its private sector financial instruments to strengthen the alignment of their policies, procedures and practices with the UNGPs. The programme was not targeted to implementation of this Recommendation, but it identified the Finnish NCP as one of key actors to facilitate broader discussion in the country on measures to support responsible business conduct abroad and supported the NCP's launch event of the OECD Due Diligence Guidance for Responsible Business Conduct with business. In 2019, the Finnish Government decided to extend this program to a second phase for a further 18 months. Shift, the non-profit organisation that the Government of Finland commissioned the implementation of this programme, published a report "Aligning Finland's State Financing for Private Sector Activity Abroad

with the UN Guiding Principles on Business and Human Rights – A Program Report” in October 2019 which provides a summary of the activities conducted, an interim update on the progress achieved to date, and possible next steps to help shaping the continued support.

110. Since Directive 2014/24/EU on public procurement and Directive 2014/25/EU on procurement by entities operating in the water, energy, transport and postal services sectors were adopted by the European Parliament and the Council, Latvia has taken steps to also implement a voluntary instrument on green public procurement (GPP), which aims to enable European public authorities as major consumers to play a leading role in contributing to sustainable consumption and production. In Latvia, the Cabinet of Ministers Regulation on Requirements for Green Public Procurement and Procedures for Application prepared by the Ministry of Environmental Protection and Regional Development came into force in July 2017 and determines the requirements and criteria for GPP and procedures for application. Latvia has developed and updated the GPP requirements for food and catering services and its implementation guidelines to help operators, state and local government institutions and interested stakeholders meet expectations. However it is unclear if this action contains any explicit reference to the Guidance or this Recommendation.

111. The Swiss Export Risk Insurance (SERV) carries out assessments based on the OECD's Common Approaches for Officially Supported Export Credits and Environmental and Social Due Diligence [[OECD/LEGAL/0393](#)], the Guidelines and the UNGPs among others. SERV regularly evaluates the information made available by the Swiss NCP and takes into account any information on exporters, buyers and countries in its environmental, social and human rights due diligence. Grievances concerning adverse impacts on human rights associated with SERV projects can be submitted to an independent body. In August 2019, member states of the European Free Trade Association namely Iceland, Liechtenstein, Norway and Switzerland and of Mercosur including Argentina, Brazil, Paraguay and Uruguay concluded in substance the negotiations on a comprehensive Free Trade Agreement (FTA). In the FTA's Chapter on trade and sustainable development, “they reaffirm their commitment to multilateral agreements and principles regarding environmental and labour standards” and for the first time, “EFTA has included an article on trade and sustainable agriculture and food systems, where the Parties agree to promote sustainable agriculture and associated trade and conduct a dialogue to address related issues”. This first FTA proposed a dedicated article on the promotion of responsible business conduct, referring to the related OECD guidances. Switzerland will seek to include this article in future negotiations on the FTA. Furthermore, the Swiss Federal Act on Public Procurement that entered into force in January 2021 requires the contracting authorities to take measures against conflicts of interest, unlawful agreements affecting competition and against corruption and award suppliers that comply with the international environmental conventions designated by the Federal Council and at least the eight ILO Core Conventions. They may exclude or sanction suppliers that fail to comply with these provisions.

Question 3.4: Supporting dissemination or implementation of the Guidance through Official Development Assistance

112. Three Respondents (7%) have taken steps to support dissemination or implementation of the Guidance as outlined in the Agriculture Recommendation through Official Development Assistance (ODA). The Secretariat also noted a few other actions initiated by Adherents that may help integrate the Agriculture Recommendation in ODA, and the number of Adherents using ODA to promote the overarching aim of the Agriculture Recommendation and standards for responsible agricultural supply chains included in the Guidance is likely higher than reported. As agriculture remains key for sustainable and resilient growth in many developing and emerging economies, the Guidance recommends that enterprises implement due diligence to know and show that they are addressing the most significant environmental and social risks associated with their agricultural supply chains and that they are considering the whole range of their impact on the SDGs (OECD/FAO, 2021^[53]). ODA continues to be crucial to address systemic issues that are driven by root causes outside of the enterprises immediate control and

promote the business enabling environment whilst integration and use of the Guidance can support ODA in achieving their objectives.

113. The German Federal Ministry for Economic Cooperation and Development (BMZ) is the country's main ODA provider. BMZ supports the German BMEL which initiated the multi-stakeholder platform Forum for Sustainable Palm Oil (FONAP) in 2013 for enterprises, NGOs, and business associations. FONAP aims to increase the proportion of certified palm oil, palm kernel oil and their derivatives on the German, Austrian and Swiss markets. FONAP members have publicly committed to sourcing only sustainably produced palm oil and palm kernel oil. BMZ and BMEL are also a member of the German Initiative on Sustainable Cocoa (GISCO), which since its start in 2012, now has over 70 members, to promote sustainable cocoa production. GISCO and its members closely work with the governments and relevant stakeholders of cocoa producing countries to improve the livelihood of farmers, preserve biodiversity and natural resources such as forests, and ensure human rights are respected along the value chain, with particular efforts in eliminating the worst forms of child labour. The Forum for Sustainable Protein Feed (FONEI) promoted by BMEL since 2014 also provides a platform where 65 members including enterprises, associations, research institutions and relevant public authorities take steps to building the sustainable value chain of protein feed. Additionally, BMEL partners with the FAO secretariat since 2019 through the project on building responsible global value chains for the sustainable production and trade of tropical fruits which aims to promote integration of the Guidance in the avocado and pineapple value chains (FAO, 2021^[54]).

114. The Swedish Ministry for Foreign Affairs regularly engages with Team Sweden, a network of public organisations, agencies and enterprises that promotes Swedish exports and investment in Sweden, and holds meetings with enterprises and industry organisations to discuss issues on responsible business conduct which does not include a specific focus on the Guidance, but covers the Guidelines and related guidances. Challenges remain in promoting implementation among SMEs. As such, the Ministry for Foreign Affairs is developing activities targeted to SMEs and plans to increase collaboration with business in development co-operation including the new strategy for broader economic co-operation.

115. SECO support to SWISSCO enables SWISSCO members to improve the alignment of enterprise policies and due diligence processes with the Guidance. SECO, together with the Norwegian Agency for Development Cooperation, also supports the ILO global programme Sustaining Competitive and Responsible Enterprises (SCORE) in selected developing and emerging economies which aims to improve productivity and working conditions in SMEs operating in multiple sectors, including timber and agriculture.

116. It is worth noting that the African Union (AU) and the EU endorsed a political declaration and action agenda at the third AU-EU Agriculture Ministerial conference in June 2019 to strengthen rural areas and the food supply chain in Africa. One of the nine concrete actions set out in this agenda includes establishing a platform for dialogue between European and African agri-business through co-operation with the EU delegations, national chambers of commerce and relevant business organisations, as well as drawing on the Guidance with a view to enhancing responsible investments in agriculture and agribusinesses. As reported in paragraph 84, the EU launched a multi-stakeholder dialogue for sustainable cocoa in 2020, building on the initiative of the two main producing countries, Côte d'Ivoire and Ghana. The dialogue brings together policy makers, business and civil society from the EU, its member states, Côte d'Ivoire and Ghana as well as international organisations. The OECD and FAO secretariats were invited to the dialogue to ensure coherence with the Guidance and contribute to addressing key sustainability issues in the cocoa supply chains through promoting the implementation of the Guidance.

Question 3.5: Monitoring the results or impacts of Adherent efforts to promote, incentivise or enable responsible supply chains or the implementation of the Guidance

117. Four Respondents (10%) reported their efforts in monitoring the results or impacts of their actions to promote, incentivise or enable responsible agricultural supply chains or company implementation of the risk-based due diligence framework as recommended by the Guidance. Such efforts enable the IC and COAG to monitor the implementation of the Agriculture Recommendation as instructed.

118. Against the backdrop of the International Day for the Abolition of Slavery in December 2020, Brazil has rolled out the tools to combat forced labour – the Ipê System and the National Flow of Assistance to Victims of Forced Labour – in partnership between the Labour Inspection Undersecretariat, a department of the Labour Secretariat of the Ministry of Labour and Social Security, and the ILO. The Ipê System is an online platform which receives, systematises and track complaints of forced labour and the National Flow of Assistance to Victims of Forced Labour provides the common guidelines to public and social actors who involve in the fight against modern slavery. As most rescues from forced labour are carried out at farm level, these tools can enable monitoring efforts.

119. Latvia's Procurement Monitoring Bureau monitors and publishes the data on GPP of food products and catering services. GPP is a voluntary instrument to help European public authorities as major consumers play a leading role in contributing to sustainable consumption and production. The European Commission has produced the handbook "Buying green!" in 2016 and developed GPP criteria for food, catering services and vending machines in 2019, as part of its support to member states in this regard.

120. Switzerland supported SWISSCO in development of a common Monitoring, Evaluation and Learning (MEL) framework to measure progresses towards sustainability in the cocoa value chain and contributions to achieving the SDGs. This ensures the framework's alignment with SWISSCO Principles for Sustainable Cocoa that encourage the implementation of the Guidance. SWISSCO and internationally recognised third-party certification standards referred in the MEL framework plan to prepare to assess the alignment of these certification programmes with the Guidance in co-operation with the OECD Secretariat.

5

Summary and conclusions

Implementation summary

121. In the five years since the adoption of the Agriculture Recommendation, many Adherents have made efforts to implement the Agriculture Recommendation through promoting the observance of the Guidance by enterprises, taking measures to actively support the integration of the risk-based due diligence framework in corporate management systems, and ensuring the widest possible dissemination of the Guidance. Implementation of the Agriculture Recommendation is positive in some respects, but on balance there is still much that can be done.

122. Direct references to the Guidance, the model enterprise policy and the five-step framework for due diligence provide a common framework and global benchmark for enterprises and investors. This sends a clear message to the market on what governments expect in terms of responsible business conduct and how risk-based due diligence can be integrated into corporate management systems. It underpins a shared understanding concerning responsible business conduct among governments, business, investors, civil society, unions, international organisations and relevant stakeholders.

123. Of all the 42 Adherents to the Agriculture Recommendation, 29 Adherents (69%) reported their efforts on the implementation of the Agriculture Recommendation. A majority of Adherents (62%) have made the Guidance available online on governmental websites. A number of Adherents have also worked closely with their NCPs to promote the Guidance. With the support of Adherents, the Guidance has been translated into languages beyond the OECD official languages of English and French.

124. Most Adherents and their NCPs are highly engaged in the supporting structures and actions of the WPRBC and the APM. 16 Adherents participate as members of the multi-stakeholder advisory group which provides advice to the implementation plan of the Guidance. Since 2016, a few Adherents and the EU have provided voluntary contributions to the implementation activities related to the Guidance. Adherents' active engagement contributes to shaping actions set out in the implementation plan of the Guidance and feeds into discussions with global stakeholders, thus supporting the "widest possible dissemination of the Guidance and its active use by various stakeholders".

125. Many Adherents and their NCPs have taken steps to work with industry and other stakeholders in their countries to promote the Guidance and the integration of the five-step due diligence framework, and align with the Agriculture Recommendation. The depth and level of these actions are however a function of budget and capacity, with Adherents and NCPs having a number of sectors across which they need to promote supply chain due diligence.

126. However, one of the more significant developments with regards to implementation by Adherents of the Agriculture Recommendation is the integration or reference of the Guidance in regulation. In the last five years, almost a fifth of Adherents (19%), i.e. eight of the 42 Adherents, reported having integrated or referenced the Guidance in domestic laws, regulations, rules, procedures, guidance to comply with regulations, or other government issued guidance in response to the Agriculture Recommendation. This is a concrete and clear signal, that an Adherent is supporting the wider adoption and integration of the Guidance by enterprises operating in or from their territories. Legislation, if well thought through, remains

one of the strongest tools at governments' disposal to drive uptake of the Agriculture Recommendation. In this regard, Adherents have a critical role to play.

127. Many Adherents who are also EU Member States are depending on expected EU leadership on mandatory due diligence and deforestation to drive uptake and implementation of the Guidance, as envisioned in the Agriculture Recommendation. Additionally, a number of Adherents have expressed political support for activities to align industry schemes and certification standards to the Guidance. Such action, which is part of the current implementation plan, will be a significant lever to promote adoption of the model enterprise policy and integration of due diligence in agricultural supply chains.

128. Adherents are strongly encouraged to reinforce their actions to meet the Agriculture Recommendation including ensuring enterprises observe internationally agreed standards of responsible business conduct along agricultural supply chains, supporting adoption of the model enterprise policy and integrating into corporate management systems the five-step framework for risk-based due diligence. Risk-based due diligence is increasingly becoming a mainstream corporate management approach for enterprises in making business decisions and the Guidance can thus help enterprises prevent adverse impacts of their activities and contribute to sustainable development, in particular poverty reduction, food security and gender equality.

Continued relevance of the Agriculture Recommendation

129. Agriculture is at the heart of our lives and a source of economic growth in many countries. Agricultural supply chains are also central to the livelihoods of people working on 570 million farms worldwide and along other stages of the supply chain (OECD, 2021^[55]). The COVID-19 crisis and extreme weather events due to climate change are a reminder as to how important it is to build responsible and resilient agricultural supply chains. The Guidance set out in the Recommendation introduces risk-based due diligence to avoid and address adverse environmental and human rights impacts in the agricultural sector and links the outcomes of due diligence to enhancing better development outcomes including poverty reduction, increased food security and nutrition and gender equality. This is particularly important when considering agricultural enterprises that source globally traded commodities such as tropical fruits, cocoa, coffee, palm oil, seafood and sugar from low- and middle-income countries where risks can often be greatest.

130. Building responsible agricultural supply chains remains key to achieving the ambitious policy commitments of the Agenda 2030 for Sustainable Development, the European Green Deal and climate goals. International fora, including but not limited to the UN Food Systems Summit, the UN Climate Change Conference and the UN Biodiversity Conference are increasingly calling for collective actions. By implementing the Agriculture Recommendation, Adherents can know and show that they are proactively taking measures to tackle global challenges and making greater contribution to sustainable and resilient development in a measurable way.

Next steps

131. The text of the Agriculture Recommendation and the Guidance remain relevant and fit for purpose. However, a few areas may merit further consideration.

132. The Agriculture Recommendation could include explicit language to integrate the Guidance into government tools such as public procurement policies and practices, export credit or guarantees and trade support or any other types of financing for the private sector. Only three Adherents (7%) reported that they condition these tools on demonstrated observance of OECD standards for responsible agricultural supply chains. There is a significant opportunity for scaling-up implementation of the Guidance globally if

Adherents integrate the Guidance into government tools such as those mentioned above. Over the last 18 months, the WPRBC has prepared a new draft Recommendation on the Role of Government in Promoting Responsible Business Conduct [[DAF/INV/RBC\(2021\)17](#)], which would help clarify many of these aspects and reinforce implementation of this Recommendation and uptake of the Guidance by agricultural enterprises.

133. The Guidance itself could be reviewed to include clearer language or an Annex on how the five-step framework for risk-based due diligence can help enterprises and investors address risks related to climate change, deforestation, GHG emissions and biodiversity loss.

134. These initial ideas could benefit from co-operation with relevant UN Specialised Agencies such as the FAO, as envisioned in the Agriculture Recommendation.

135. Finally, while there have been calls from stakeholders, including business, to update the Guidance to reflect the SDGs and the Agenda 2030 for Sustainable Development, given the remaining years to 2030 (under 10 years), this may not be the best use of resources.

136. Across a number of agricultural supply chains there is still limited uptake of the Guidance by enterprises. This may be speeded up with the advent of legislation on mandatory supply chain due diligence, and/or specific legislation on deforestation or forced labour. However, legislation will unlikely be the preferred option for all Adherents. It thus remains essential to increase the number of Adherents to the Agriculture Recommendation and for all Adherents to meet the specifics of the Agriculture Recommendation.

137. This includes increasing the percentage of Adherents who actively promote the use of the Guidance by enterprises operating in or from their territories as well as improving the quality of Adherents' measures to support adoption of the model enterprise policy and integration of the five-step framework for due diligence in corporate management systems. Adherents should also increase the breadth of action to support dissemination of the Guidance and its active use by stakeholders with the support of the OECD Secretariat, including through the Secretariat actions with the United Nations and international development organisations. All Adherents should significantly strengthen their efforts to meet the Agriculture Recommendation. Participating in and support for the implementation plan of the Guidance with its multi-stakeholder backed priority actions can help Adherents find efficient and effective means of meeting the Agriculture Recommendation in its totality.

138. Finally, there is an urgent need for better quality data on uptake and impact of the Guidance. Using the Guidance as a common benchmark in policymaking can help Adherents advance on the business case for implementing the Agriculture Recommendation. In this regard, Adherents could support the funding of an Adherent-wide study on the uptake and impact of this Recommendation and the Guidance. Understanding whether and how enterprises and investors are integrating the Guidance through studies or assessments can help Adherents refine their outreach strategy to fill gaps and measure the progress of their efforts to meet the Agriculture Recommendation.

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