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**UNIDROIT Working Group on Collaborative
Legal Structures for Agricultural Enterprises**

Tenth session (hybrid)
Rome, 5-7 October 2026

UNIDROIT 2026
Study LXXXC – W.G.10 – Doc. 2
English only
September 2026

SECRETARIAT'S REPORT

(prepared by the UNIDROIT Secretariat)

1. This document provides an update on the developments and activities concerning the UNIDROIT/FAO/IFAD Collaborative Legal Structures for Agricultural Enterprises project following the ninth session of the Working Group (8-10 April 2026). It provides information on the consultation on the draft Legal Guide (Section I) and proposes next steps (Section II).

I. CONSULTATION

2. At its ninth session, the Working Group decided that the draft Legal Guide on Collaborative Legal Structures for Agricultural Enterprises (CLSAE) was sufficiently developed to be submitted for consultation. The Working Group therefore agreed that the UNIDROIT Secretariat would update and submit the draft Legal Guide to the UNIDROIT Governing Council with a proposal to launch both a public consultation and a targeted stakeholder consultation.

3. Accordingly, the draft Legal Guide was updated and submitted to the Working Group for review on 18 May 2026, with comments requested by 29 May 2026. At the same time, the version submitted to the Working Group was also presented to the UNIDROIT Governing Council during its 107th session (27-29 May 2026) for authorisation to proceed with public consultation.¹ The Governing Council noted the substantial progress achieved in the development of the joint UNIDROIT/FAO/IFAD project on Collaborative Legal Structures for Agricultural Enterprises and endorsed the draft instrument submitted for its consideration. The Council further authorised the Secretariat to proceed with open consultations and to submit the final draft instrument for approval at its 108th session in December 2026.²

4. The UNIDROIT Secretariat launched the public consultation on 20 July 2026 through a dedicated [consultation webpage](#).³ The consultation remained open for nine weeks, closing on 20 September 2026. To maximise visibility, the consultation was promoted through multiple channels and with the support of partner organisations. In addition to its publication on the UNIDROIT website, consultation announcements were also posted on the [FAO Development Law Service website](#) and the [International Cooperative Alliance website](#). A dedicated news item highlighting the consultation was also published on the [Afronomics Law website](#).

¹ [UNIDROIT 2026 – C.D. \(107\) 5](#).

² [UNIDROIT 2026 – C.D. \(107\) Misc. 2 rev. 2](#), (Item 5.a).

³ The Secretariat also promoted the consultation through UNIDROIT's social media channels (LinkedIn, Facebook, and X).

5. The purpose of the consultation was to:

- promote inclusiveness and stakeholder engagement in the final stage of the drafting process;
- raise awareness of the future Legal Guide;
- seek stakeholder feedback on whether the instrument adequately addresses the features and legal issues of selected collaborative legal structures (i.e., multiparty contracts, cooperatives, companies) and digital platforms, to overcome some of the challenges faced by smallholders and agri-MSMEs to participate more equitably and effectively in agrifood value chains;
- ensure that diverse perspectives and legal traditions are adequately considered and that the instrument is well-suited to application in different contexts, in particular in order to respond to the specific features of local business communities in developing economies;
- improve the quality and plausibility of implementation of the final instrument; and
- ensure that the
- final instrument responds to actual needs and complies with ascertained international best practices.

6. Views were welcome from all interested parties. In light of the technical content of the instrument, feedback was welcome in particular from persons and entities representing:

- States and governmental bodies;
- international development agencies;
- local and regional associations of agricultural entrepreneurs, producer organisations, and associations representing smallholders;
- non-Governmental Organisations working on agriculture, food security, rural development, sustainability, and inclusive economic development;
- private sector actors participating in agrifood value chains, including buyers, processors, distributors, traders, financial service providers, and digital platform operators;
- legal counsels of transnational enterprises;
- financial institutions, including multilateral and regional development banks; and
- academics, research institutions and think tanks, in particular experts and institutions focusing on cooperative law, company law, contract law, rural development, and agrifood value.

7. Respondents were allowed to provide feedback on any part of the draft instrument. Comments could be provided in English or French and had to be submitted to the UNIDROIT Secretariat at CLSAE-consultation@unidroit.org. Respondents were asked to submit their comments using a Word document template, specifying for each comment the chapter, section and paragraph number of the draft Legal Guide to which the comment pertained. The [consultation webpage](#) indicated that comments received during the consultation process would be made public, and that the names of respondents would be made public unless expressly requested otherwise.

8. In order to disseminate the public consultation and encourage broad stakeholder participation, the UNIDROIT Secretariat:

- (i) invited UNIDROIT Member States, Governing Council members and Correspondents to submit comments, encourage relevant stakeholders to participate in the consultation, and circulate the consultation materials within their professional networks;

- (ii) shared information on the consultation with the UNIDROIT Alumni Association and participants of the UNIDROIT International Programme for Law and Development (IPLD);
- (iii) invited the members and observers of the CLSAE Working Group to promote the consultation among relevant stakeholders within their respective networks;
- (iv) sent targeted invitations and a questionnaire, via e-mail or through personalised letters, to a range of stakeholders;
- (v) promoted the draft Legal Guide and the public consultation at events organised by the International Cooperative Alliance (ICA);
- (vi) participated in two meetings organised by IFAD to discuss the content of the draft Legal Guide with IFAD staff; and
- (vii) co-organised, together with FAO, a consultation webinar to provide FAO colleagues with an opportunity to discuss their comments and recommendations directly with members of the CLSAE Working Group and the UNIDROIT Secretariat.

9. To ensure broad outreach and diverse stakeholder engagement, the public consultation was promoted through 53 institutions and organisations representing a wide range of constituencies. These included international and regional organisations, development banks and international financial institutions, farmers', producers' and cooperative organisations, academic and research institutions, and civil society organisations and think tanks. In particular, the consultation was disseminated through nine institutional observers to the CLSAE Working Group⁴ and shared with a further 44 organisations invited to provide feedback.⁵ This outreach strategy sought to ensure balanced geographical representation and to capture perspectives from policymakers, legal experts, development practitioners, researchers, farmers' organisations, and cooperative stakeholders from different regions of the world.

10. On 22 August 2026, UNIDROIT contributed to the Workshop on Cooperative Law and Public Policy organised by the International Cooperative Alliance (ICA) in Croatia through a video message delivered by Secretary-General Ignacio Tirado. In his remarks, Prof. Tirado outlined UNIDROIT's work in the harmonisation of private and commercial law and presented the forthcoming Legal Guide. He emphasised the valuable contributions of cooperative law specialists and ICA representatives participating in the project's Working Group and encouraged stakeholders to engage in the public consultation on the draft Legal Guide. A video message was also featured at the Cooperative Identity

⁴ The following nine institutional observers to the CLSAE Working Group were invited to promote the public consultation: Asian Farmers' Association for Sustainable Rural Development (AFA); Eastern Africa Farmers Federation (EAFF); European Law Institute (ELI); Global Farmer's Network; International Development Law Organization (IDLO); International Cooperative Alliance (ICA); Organisation pour l'harmonisation en Afrique du Droit des Affaires (OHADA); United Nations Commission on International Trade Law (UNCITRAL); and European Research Institute on Cooperative and Social Enterprises (EURICSE).

⁵ The following 44 organisations were invited to provide feedback: World Bank Group; World Food Programme (WFP); Organisation for Economic Co-operation and Development (OECD); United Nations Conference on Trade and Development (UNCTAD); Asian African Legal Consultative Organization (AALCO); Asian Development Bank (ADB); Interamerican Development Bank; African Development Bank; European Investment bank; Pan African Lawyers Union; African Institute of International Law; Economic Community of West African States (ECOWAS); Economic Community of Central African States (ECCAS); Arab Organisation for Agricultural Development (AOAD); World Union of Agricultural Law Scholars (UMAU); World Farmers Markets Coalition; World Farmers' Organisation; Inter-American Institute for Cooperation Agriculture; Centre for International Sustainable Development Law; International Institute for Sustainable Development (IISD); West Africa Farmers and Producers Organization; International Law Institute (ILI); Network of the African International Economic Law; Afronomics; SIEL; International Labour Organization (ILO); United Nations Department of Economic and Social Affairs (UNDESA); United Nations Research Institute for Social Development (UNRISD); International Trade Centre (ITC); Belgorod University of Cooperation, Economics and Law; Committee for the Promotion and Advancement of Cooperatives (COPAC); China Agricultural University; International Food Policy Research Institute (IFPRI); Office of the United Nations High Commissioner for Human Rights (OHCHR); UN Special Rapporteur on Right to Food; International Institute for Environment and Development (IIED); European Commission; African Union; Oxfam; Universidad Adolfo Ibáñez (Chile); International Institute of Tropical Agriculture (IITA); AFRICA RICE; Pan African Institute For Life And Earth Sciences (PAULESI); and iFarmer.

Lab, held as part of the ICA Global Conference in Panama on 16 September 2026, further raising awareness of the CLSAE draft Legal Guide and fostering engagement with the cooperative community.

11. On 25 August 2026, the UNIDROIT Secretariat, represented by Secretary-General Prof. Ignacio Tirado, Deputy Secretary-General Prof. Anna Veneziano, and Legal Officer Dr. Priscila Andrade, participated in IFAD's East and Southern Africa (ESA) Regional Staff Meeting, which brought together 97 IFAD staff members. The UNIDROIT Secretariat presented the draft CLSAE Legal Guide and gathered additional feedback on the draft instrument. The presentation highlighted the Guide's purpose to assist agricultural enterprises in selecting and combining legal structures, including multiparty contracts, cooperatives, companies, and digital platforms, according to their objectives and local contexts. Discussions focused on key challenges faced by smallholders and agri-MSMEs, such as access to markets and finance, power imbalances within value chains, pathways to formalisation, and the role of producer organisations and digital technologies in fostering collaboration and inclusion. Participants were invited to review the draft Legal Guide and the consultation questionnaire and to provide written comments to inform the Working Group's deliberations.

12. On 8 September 2026, the UNIDROIT Secretariat also participated in a joint meeting of IFAD's Production, Markets and Infrastructure (PMI) Division and Legal (LEG) Division, which brought together more than 70 senior specialists. The meeting provided an additional opportunity to present and discuss the draft Legal Guide with the objective of gathering further technical feedback and encouraging active engagement in the consultation process. In addition to the Secretariat, the meeting benefited from the participation of Prof. Fabrizio Cafaggi, Coordinator of the CLSAE Working Group, who contributed to the discussion and responded to participants' observations and questions. The exchange enabled UNIDROIT to obtain valuable insights, helping to ensure that the forthcoming Legal Guide remains responsive to the practical needs of agricultural enterprises, producer organisations, and rural development stakeholders.

13. On 28 September 2026, UNIDROIT and FAO jointly organised a consultation webinar to exchange views on the draft instrument. The event brought together 28 participants, including FAO and UNIDROIT representatives, as well as members of the CLSAE Working Group. Participants discussed the need for practical, context-specific implementation tools, drawing on experiences from previous UNIDROIT/FAO/IFAD legal guidance such as the Legal Guide on Contract Farming. Key challenges affecting collaboration among micro and small enterprises, particularly lack of trust, isolation, and limited capacity were highlighted. Participants also recommended expanding guidance on value chain finance, warehouse receipt systems, unfair trading practices, and the role of development banks and microfinance institutions. Regarding digital platforms, it was noted that the guidance provided should ensure that digital solutions remain accessible to vulnerable groups. Finally, proposals for implementation included establishing a joint implementation committee, identifying pilot projects for 2027-2028, and convening a seminar with development banks.

14. The public consultation received 12 responses, totalling 147 comments. Respondents represented a diverse range of stakeholders, including academia and independent researchers (50%), agricultural representative organisations and government bodies (25%), private sector and agriculture finance institutions (17%), and legal reform organisations (8%). The largest share of submissions came from Europe (39%), followed by Africa (27%), Asia (15%), North America (9%), and South America (9%).

15. Additional feedback from FAO, IFAD and Working Group participants was also gathered during the consultation period. In total 21 responses were sent to the UNIDROIT Secretariat, totalling 222 comments.

16. Overall 33 submissions were received during the consultation process, comprising 369 comments on the draft Legal Guide. Submissions were received from stakeholders in 17 different countries.⁶ Some comments consisted of brief notes, questions, or minor suggestions, while others were detailed and highly technical, including proposed sentence replacements or text insertions.

17. During its tenth session, the Working Group is invited to consider the draft Legal Guide chapter-by-chapter, taking into account the:

- (i) feedback received during the public consultation process (Study LXXXC – W.G. 10 – Doc. 3)
- (ii) feedback received from FAO, IFAD and Working participants (Study LXXXC – W.G. 10 – Doc. 4 - confidential).

II. PRACTICAL TOOLS TO SUPPORT IMPLEMENTATION AND PROPOSED NEXT STEPS

18. The draft Legal Guide seeks to provide general guidance and may serve as a key reference for the elaboration of a series of implementation instruments. As pointed out by several comments during the consultation process, simplification and customisation of the future Legal Guide will be important for the effective and practical use of the Guide.

19. Among the factors that may be considered, and further discussed by the Working Group, for the implementation of the Guide are the following:

- i) **Language.** The Legal Guide will be translated into French consistent with UNIDROIT's practice. In addition, a simplified "executive summary" may be prepared and disseminated in different languages (e.g., Spanish, Chinese, Arabic, Portuguese, German).
- ii) **Literacy and technology.** The substantive content of the Legal Guide should also be made available to illiterate individuals. Simplified audio and video summaries may be created in order to make the content accessible to farmers with limited literacy.
- iii) **Periodical revision.** The Legal Guide should be subject to periodic revision based on the impact of its implementation.

20. At the end of the session, it is proposed that the Working Group provide the Secretariat with a mandate to update the draft Legal Guide in line with the outcome of the discussions during the tenth session. The updated draft instrument could then be circulated to the Working Group for a final review by the end of October. Any additional steps for the Working Group will be determined based on the discussions and progress made during the session.

⁶ The consultation received submissions from contributors representing 17 countries: Brazil, Botswana, Chile, China, Colombia, Czech Republic, Egypt, Ethiopia, Ghana, Hungary, India, Italy, Jamaica, Kenya, Thailand, Togo, and the United States of America.