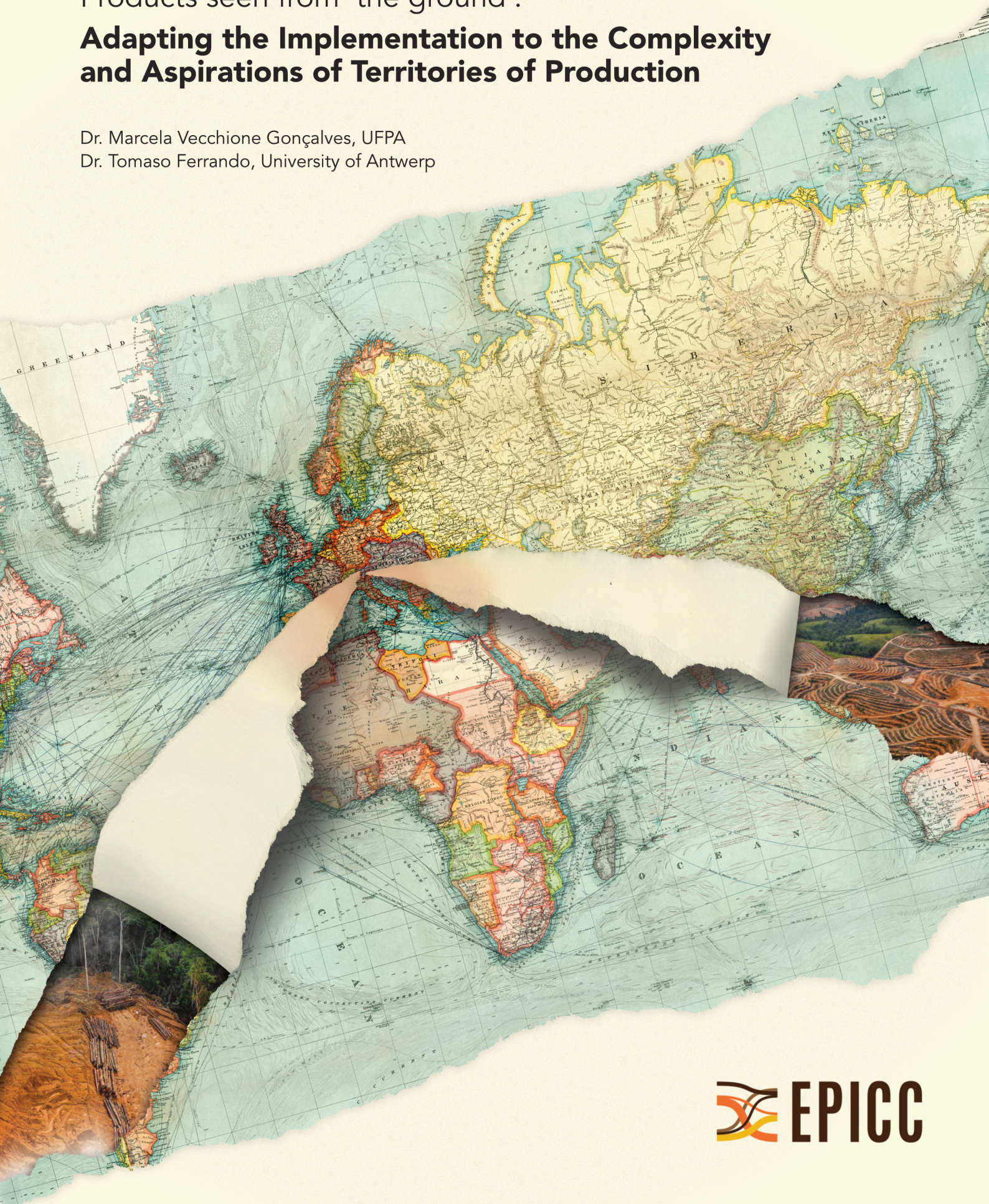


The EU Regulation on Deforestation-Free Products seen from 'the ground':

Adapting the Implementation to the Complexity and Aspirations of Territories of Production

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POLICY BRIEF

The EU Regulation on Deforestation-Free
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Executive Summary

This policy brief is produced by the members of the research project “Environmental Policy Instruments across Commodity Chains: Comparing multi-level governance for Biodiversity Protection and Climate Action in Brazil, Colombia, and Indonesia” ([EPICC](#)). The multi-disciplinary consortium of five academic partners have engaged in a three years multi-national research financed by the European Biodiversity Funding (Biodiversa+), studying three agricultural and three mineral commodity chains that link specific regions of Brazil, Colombia and Indonesia with the EU market.¹ More precisely, we have been studying the origin of the palm oil chain in West Kalimantan (Indonesia), of soya in the Tapajos Region (Brazil) and of beef in the Putumayo Department (Colombia).

One of our main goals has been the adoption of a participatory and qualitative approach to evaluate the way in which multilevel strategies of global commodity chains governance (public and private) aimed at addressing climate change and biodiversity loss produced by the value chains impact the territories of extraction, and the way in which they interact with local or national regulations, programs and policies in the same areas. For that, the project nurture continuous and solid dialogues with actors who are present and live in the regions where the commodities are produced and whose voices and needs are largely absent from discussions and talks about global governance and value chains sustainability.

The European Union and European actors are thus seen not as passive recipients of commodities, but active players whose actions (or inactions) define territories at the origin of the value chain and the complexity of their socio-ecological relationships. In this sense, we followed with attention the political negotiation behind Regulation (EU) 2023/1115 of the European Parliament and of the Council of 31 May 2023 on the making available on the Union market and the export from the Union of certain commodities and products associated with deforestation and forest degradation (EUDR). As a matter of fact, the enter into force of the Regulation on June 29, 2023, and even more its operativity on January 1, 2025, have been presented as key elements in the construction of a global system of governance to tackle biodiversity loss and climate change.

According to the document, the EUDR aims to minimize the EU future contribution to deforestation and forest degradation worldwide, therefore reducing its contribution to greenhouse gas emissions and global biodiversity

loss (Art. 1). This is done by identifying seven relevant commodities and derivative products, introducing specific obligations for traders and operators that are placing them on the market, along with the EU Member States that have to control the implementation of the Regulation. The final catalogue includes cattle, cocoa, coffee, oil palm, rubber, soya and wood, along with a long series of relevant products that derive from the relevant commodities identified by their commodity code.

Given the time gap between the vote (September 2023) and the entry into force for non Small and Medium Size Operators (1 January 2025), and given the procedural requirements contained in the EUDR with regards to risk assessment and internalisation, the next months represent therefore a period of adaptation, preparation and clarification for all actors involved, including the European authorities, Member States and the countries of origin of the commodities. This is also a moment of doubt and confusion, of contestation and tension, but also characterized by the multiplication of actors and organizations that provide advice and consultancy on the way to best adapt to the EUDR and follow its indications.

For EPICC, the EUDR provides a concrete term of reference to anchor our learnings and to think about the past, present and future of the interactions between the EU and some of the territories in the Global South that produce key commodities for the EU economy. In light of the work realized by the EPICC researchers in Brazil, Colombia and Indonesia, we do not look at the text to understand its implementation, but rather through the lenses of territories and the future of areas that have been historically (or recently) connected to global agricultural value chains and that have been shaped by their dynamics. Through the presence on the ground, the dialogue with communities, private actors and policy makers, and thanks to sixteen interviews realized with EU stakeholders directly involved in the construction and implementation of the EUDR, we have combined multiple perspectives and voices to strengthen the understanding of the process and to identify key territorial concerns that may be triggered by the way in which the EUDR was conceived and is going to be implemented.

The purpose of this brief is thus to contribute to the ongoing discussions on the implementation of the EUDR by Member States and value chains actors, but not to explain how to do so. On the contrary, we pay particular attention to the integration of inputs and experiences originating from the territories of production in order to make sure that territorial perspectives, expectations and aspirations are not left aside when the EUDR enters into force. This could specifically help with:

- rethinking the current EU trade policies away from the current focus on increasing liberalization and mobility of commodities, so to create a broad trade framework that is in line with the purposes and objectives of the

EUDR to reduce the deforestation footprint of the EU but also to contribute to the overall reduction of deforestation and addressing climate change;

- rethinking the current EU trade policies as based on increasing liberalization and mobility of commodities in line with the purposes and objectives of the EUDR to reduce the deforestation footprint of the EU but also to contribute to the overall reduction of deforestation and addressing climate change;
- opening spaces of reflection vis-à-vis the future of the global food system, with particular attention to the visible tensions between local food security and the right to food and nutrition, on the one hand, and the normalization of global commodity chains based on export-led agriculture and specialization rather than diversification and human needs;
- identifying and internalizing possible negative externalities linked with the implementation of the Regulation, specifically when it comes to the intensification of land-related tensions that characterize many producing countries;
- the review process that will take place from 2024 onward as indicated by Article 34 of the Regulation, including with regards to the capacity of the EUDR to promote a holistic improvement of social and environmental conditions on the ground, as required by the Sustainable Development Goals;
- the adoption of open and transparent participation, monitoring and control procedures, in particular with regards to the criteria and data that will be utilized by custom and market authorities in order to address the legality of the production;

Given the unique context-oriented and local character of our research, it is our intention that the results and policy proposals are understood in their context rather than generalized or posed as universally valuable recommendations. Nonetheless, we are convinced of the importance of elaborating suggestions and reflections that arise both from the combination of research realized in different territories - across different commodity chains that fall under the scope of the EUDR - and at the EU level. Here below we summarize the six key messages that are expanded and deepened in the second part of this document.

Six Key Messages

1. Rethink the Temporal Benchmark and the Legality Requirement as they may not be Ambitious Enough, if not Counter-Productive

According to the EUDR, products obtained illegally or tied to deforestation and forest degradation before December 30, 2020, are banned in the EU market. The 2020 benchmark and satellite imagery are suggested for verification of the deforestation, while a set of regulatory references indicated when it comes to the legality of production. The legislative choice poses three main issues:

- a. The benchmark may be less strict than national environmental laws, potentially weakening conservation efforts undergoing in the country of origin of the commodity.
- b. Prioritizing the 2020 benchmark may hinder local attempts to monitor and sanction pre-benchmark deforestation, by focusing the attention on the post threshold activities only.
- c. The legality requirement in the due diligence statement may translate into a simplified depiction of applicable laws, but may also intensify complex land disputes and community concerns by focusing on the legal datum and not on the reality on the ground or the challenges that have been raised against land titles.

2. Recognize that Ecosystems are Part of Broader Social-ecological Systems that is Shaped by Commodity Chains

Communities and indigenous groups emphasize that industrialized agricultural production threatens territorial autonomy and the right to self-determination beyond deforestation and forest degradation. Practices like monoculture, pesticide-intensive farming, and large-scale industrialization cause environmental pollution, health issues, and biodiversity loss. Restricting deforestation-linked imports falls short of fulfilling the EU's environmental and human rights commitments, therefore it must be aligned with international commitments and infused by the principles of common but differentiated responsibility, international law and payment for loss and damages.

3. Adopt a Broad Understanding of Forest Degradation

The Regulation defines 'forest degradation' as unsustainable harvesting causing reduced biological or economic productivity in ecosystems, potentially overlooking cultural values and intergenerational knowledge transfer impacted by such operations. This narrow focus may conflict with the Regulation's intent by allowing commodities from agro-diverse land to be transformed into monoculture. Article 30(4) emphasizes engaging with production countries for a transition to sustainable agriculture, recognizing the diversity in agricultural practices. The EU must consider the impact of its consumption patterns on promoting environmentally and socially unsustainable production on existing agri-food lands during the Regulation's implementation and revision. Additionally, future revisions should address mining, a major deforestation source, ensuring its inclusion in the Regulation to prevent socio-environmental degradation.

4. Territorial and land rights should not be Subordinated to Environmental and Biodiversity Concerns

The battle against deforestation and social-ecological harm fundamentally involves recognizing collective territories and land titles held by indigenous groups, traditional communities, small-scale farmers, and landless families. These communities, with their historical engagement and co-construction of ecological dynamics, play a vital role in preserving and regenerating diversity. Article 2 of the EUDR mandates guaranteeing land use rights, human rights, labor rights, and Free Prior and Informed Consent for all regulated products, and makes reference to them with regards to the legality check of the due diligence process. However, the way in which legality is dealt with in the Regulation highlights three critical shortcomings that should be addressed:

- a. **Marginal Consideration:** Human rights, land rights and indigenous rights might receive inadequate attention without effective channels for third-party watchdogs and victims to access justice and be heard.
- b. **Risk Assessment Complexity:** The risk assessment, a pivotal aspect of Regulation implementation, is not built in order to ensure openness, transparency, and participatory processes. The current focus on trade risks' assessment realized by traders and operators is structured around the perspectives of the EU regulator and of the private actors, potentially sidelining local stakeholders and their visions.

- c. Mitigation vs. Prevention: The Regulation's emphasis on risk mitigation rather than preventing and redressing human rights violations raises concerns. The risk assessment may be read in a way that the EUDR accepts that products are placed on the EU market in case of unavoidable negative impacts, possibly undermining the necessity of respecting human rights.

5. Expand the Scope to Global Logistic and Financial Flows as Key to Growing Patterns of Extraction

Global trade in deforestation-embedded agricultural commodities is inherently dependent on and facilitated by the presence of an elaborated system of logistic, flows of investments and financial capital, and by the continuous liberalization of international trade by means of lower tariffs and trade barriers. Roads, railways, ports, silos and other material infrastructures increasingly populate territories of extraction and link them with the EU and other markets of destination. However, both the materiality of transportation and the financial drivers are excluded from the EUDR. Future revisions of the Regulation should expand its scope to EU financial actors and to the environmental and human rights impacts of logistic.

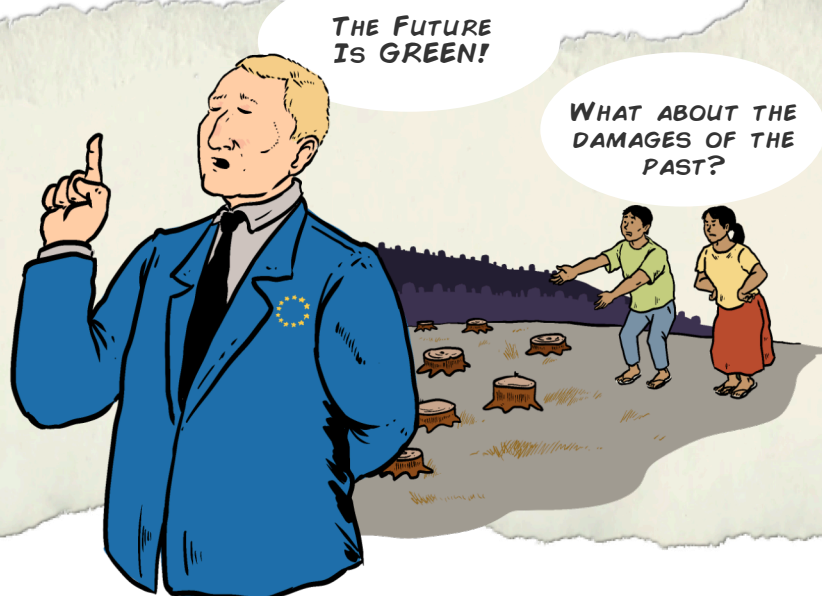
6. Link Implementation of the EUDR with Territorial Realities, Ongoing Spaces of Resistance and Regional Food Systems

Our research has highlighted that the implementation of the EUDR should be based on the recognition of the diverse socio-economic landscapes that characterize the territories of production, the different commodity chains, and the interactions between producers, intermediaries and public authorities. Acknowledging the unique histories, legal frameworks, economic conditions, and actors involved is essential. In particular, the EU and Member States must recognize that territorial and local organizations have developed resistance against deforestation, exemplified by community protocols for prevention and monitoring. While Article 28 acknowledges the need for cooperation, prioritizing people's voices, especially those of people who do not participate in global commodity chain and may be affected by them, is crucial. In addition, future partnerships and cooperation should extend beyond supporting small-scale farmers in global commodity chains, and contribute to the realization of the aspirations and alternative futures envisioned by people who do not see themselves and their territories as part of global trade. In line with the SDGs and the international obligations assumed by the EU, fostering territorial markets and local production for food and nutrition security should not be subordinated to global commodity chains, but prioritized.

The EU Regulation on Deforestation-Free Products seen from 'the ground': Adapting the Implementation to the Complexity and Aspirations of Territories of Production

1 | The Temporal Benchmark and the Legality Requirement May not be Ambitious Enough, if not Counter-productive

Time is a key component of the EUDR. According to the text, it is only products linked with deforestation and forest degradation occurred before 31 December 2020 that will not be admitted on the EU market, even if the specific form of deforestation and forest degradation were not deemed contrary to national legal systems when they occurred. On the contrary, the Regulation indicates that the restriction will equally apply to products that have been obtained against the “relevant legislation of the country of production” without any indication of a temporal benchmark (Art. 3). In that sense, it can be foreseen that products obtained by means of illegal practices (including deforestation and forest degradation) should not be entering the market even if such illegality had taken place before 2020. But pre-2021 deforestation alone would not be enough.



In our interviews, the temporal benchmark has been at the center of several conversations. For some interviewees, the introduction of a time limit represents an easy feature to be checked and compared with the geolocation of the products. According to them, it would be 'enough' to utilize satellite images to compare pre-2020 and post-2020 maps and combine them with the geolocation points to have a definitive answer on the compatibility with the deforestation and forest degradation principles. In our opinion, if the implementation of the Regulation was predominantly realized by utilizing satellite images and the 31 December 2020 benchmark, three main problems would arise:

- It would be less restrictive than many national environmental legislations and measures. For example, this is the case of the soy moratorium in Brazil, according to which traders agreed not to purchase soy grown on lands deforested after July 2006 in the Amazon. Similarly, the Brazilian Forest Act, which determines that areas illegally deforested after July 2008 are demanded to restore the native vegetation independently of the ecosystem.
- The EU, production countries and Member States may attempt to adopt clear and easy ways to integrate the compliance with national legal systems. For example, it may be decided to refer to national cadasters or registration processes. However, experience from producing countries shows that the registers and cadaster crystallize situations on the ground that are contested and conflictual. A simplistic integration of the legal datum should thus not contribute to the consolidation or acceleration of historically contested forms of land occupation and extraction, for example by pushing for a crystallization of land registers and cadasters and a quicker dismissal of objections and challenges that have been brought by local communities and civil society.
- Finally, the prioritization of the 2020 temporal benchmark may represent a backlash against existing efforts of monitoring and sanctioning deforestation and forest degradation that occurred before the benchmark date and whose legal status is still pending in local jurisdictions.

2 | Ecosystems are Part of Broader Social-ecological Systems

The scope of the Regulation is built around the axes of legality and environmental impact. Whether the content of the former is left to the parties realizing the due diligence, the latter is constituted by the FAO's definition of forest² and deforestation, and by a notion of forest degradation that has been built on internationally agreed concepts that are defined by the FAO (see below). From exchanges and public documents, it appears that the use of international

benchmarks represents a key factors of the Regulation because it infuses the text definitions that have been adopted in multilateral contexts and is seen as a way to 'counter-balance' the unilateral character of the measure. However, the realities on the ground and the voices of the territories demonstrate that there is no univocal understanding of the terms, and that quantitative parameters may miss the complexity of the social-ecological relationships that exist around ecosystems.

Moreover, the experiences of communities, workers and indigenous people in the territories where we have conducted our research show that the production of agricultural commodities transforms territories not only because of deforestation or forest degradation, and that biodiversity loss and climate change are not adequately addressed if the focus is limited to the reduction in canopy or its transformation. Monoculture, the use of toxic pesticides and oil-based fertilizers, large-scale industrialized farming and the conversion of territories into productive land for export threaten territorial autonomy and integrity, cause widespread environmental pollution of land, air and water and contamination of people, contribute to a faster erosion of soils, increase the burden of disease for local populations, and accelerate the loss of socio-biological diversity, including with regards to agroecological practices and relationships with the territories.



Furthermore, the integration of territories into global value chains, like those that the EUDR wants to govern but not question, goes hand-in-hand with the construction and expansion of logistic avenues that have significant social and environmental consequences. However, the EUDR excludes the realization of infrastructures from its scope, even if these infrastructures are in most cases associated with deforestation, forest degradation and the expansion of the agricultural frontier. For these reasons, we consider that the import of deforestation-embedded goods is not enough to guarantee that the EU is respecting its international commitments to environmental and human rights: deforestation and forest degradation are only one side of the coin, and the EUDR should not be an end in itself.

Future discussions on broadening and diversifying the definition have been promised in the EUDR, as to include other ecosystems, for instance savannahs. It is key that the revision of existing notions and the expansion of the scope happens in alignment with the different modes of living of indigenous peoples, traditional communities and other social groups that may be affected by the Regulation. In addition, it appears evident that the objectives of the EUDR, the Sustainable Development Goals, the international human rights and environmental obligations, and the objectives of the EU just transition can only be achieved with a coordinated effort that fully grasp the social and environmental implications of commodity chains and that embeds them in historical processes and responsibility. For example, the EUDR should be used as a trigger for multilateral conversations in global governance arena like the COP on climate and biodiversity, but also infused by the principles of common but differentiated responsibilities and loss and damages. Similarly, the EU should make sure to introduce a strong Corporate Social Due Diligence Directive (CSDDD), redefine trade policies that promote the expansion of the agricultural frontier by means of lower tariffs and less state autonomy, and implement a development and cooperation approach that strengthens national and local public policies that support local and resilient food systems, rather than long distance trading that reproduces dependency and limits the share of locally added value.

3 | Adopt a Broad Understanding of Degradation that Guarantees Local Food Security

Article 2.7 of the Regulation defines ‘forest degradation’ as “means structural changes to forest cover, taking the form of the conversion of: (a) primary forests or naturally regenerating forests into plantation forests or into other wooded land; or (b) primary forests into planted forests.” At the core of the definition

there is the intention to prevent the conversion of the canopy for the realization of harvesting operations that are not sustainable and cause a reduction or loss of the biological or economic productivity and complexity of forest ecosystems.

Although we welcome the fact that the EUDR sanctions the import of products obtained from new plantations that have replaced primary forests and naturally regenerating forests, it is our opinion that the narrow focus on 'primary forests' risks to obscure other ways in which plantations expand and shape territories. First of all in terms of intergeneration knowledge transfer and cultural and religious values, but also with regards to local food security and food autonomy.

Given the focus on the conversion of primary forest into plantation, the regulation would not oppose the placement on the market of commodities obtained from monocultural plantations that have replaced agro-diverse forms of production (like agroecology or agro-forestry). However, this diverts from the EU commitment to the internationally recognized right to food, from SDG2 and from Article 30(4) of the EUDR, according to which the Commission should engage with countries of production to promote "the transition to sustainable agricultural production."

In the implementation and revision of the Regulation, the EU should also consider the impact that its consumption patterns may have in promoting a shift towards environmentally and socially unsustainable forms of production on land that is already used for agri-food production, but not in a monocultural or plantation way. Finally, the ambitions of the Regulation would be frustrated if mining as one of the leading sources of deforestation and socio-environmental degradation will be kept outside of the scope of the Regulation and no adequate amendment will be introduced in future revisions.

4 | Territorial and land rights should not be Subordinated to Environmental and Biodiversity Concerns

The fight against deforestation and other forms of social-ecological destruction is, first and foremost, a fight for the recognition of collective territories and land titles by indigenous groups, traditional communities, small-scale farmers, landless people and families. It is their presence that, through centuries of engagement with the territory and co-construction of the ecological dynamics, has represented a key ally in the construction of the historical, social and biological diversity that needs to be protected and regenerated. According to Article 2 EUDR, the respect of land use rights, human rights protected under international law, labor rights and Free Prior and Informed Consent- among others - should be guaranteed for all products falling in the scope of the EUDR.

To this extent, Art. 2.40 of the EUDR contains a list of ‘relevant legislation of the country of production’ that traders and operators should consider when engaging with the due diligence process according to Article 9 and 10.³ Similarly, the risk assessment exercise realized by the European Commission should consider “if applicable, the existence, compliance with, or effective enforcement of laws protecting human rights, the rights of indigenous peoples, local communities and other customary tenure rights holders.”

The inclusion of human rights, FPIC and other legal elements in the Regulation must be welcomed, but there are three main shortcomings that must be addressed in the implementation and future revision of the text:

1. First, there is the risk that human rights as part of the relevant legislative framework of each country will receive a marginal if not irrelevant consideration by custom and markets’ authorities given the complexity of their assessment. In particular, this would be the case in the absence of adequate channels and instruments for third parties’ watchdogs and victims of human rights abuses to share and be heard. Because human rights and other rights are under attack also when deforestation has already occurred, when countries have low risk levels and when systems of assessment and mitigation are in place, and because the temporal benchmark may promote the regularization of land that has been illegally or violently obtained, it is essential that the human rights impact of both imported and EU commodities is assessed autonomously from the environmental implications of production and that clear and adequate avenues exist for reporting on these violations and for urgent measure to be adopted by the custom and market authorities.
2. Secondly, and linked to the first point, the legal datum is brought into the EUDR through the risk assessment and mitigation exercise realized by traders and operators (before placing on market) and by the European Commission (when defining the risk category of countries before the entry into force of the law). Given the complexity of assessing legal enforcement and human rights violations, it appears essential to guarantee that the human rights and other rights’ risk assessment (both realized by the EU and by traders and operators) is conducted in an open, transparent and participatory way, and that parties are pro-actively involved in all phases (including in the ongoing risk assessment). Otherwise, the whole process would be defined by the EU definition of legal risk and violations, and by the way in which operators and traders interpret, translate and value legal frameworks and their implementation. European and private perspectives would thus be at the center of an analysis that is meant to protect and strengthen local rights. This arguably goes against the ideas of participatory and inclusive development that are central to the Sustainable Development

Agenda, and of the international human rights' framework as characterized by the principles of self-determination. The risk is that communities and other local stakeholders will be mere bystanders to the risk analysis conducted by the EU and the private actors, with significant repercussions on the legitimacy of the Regulation and its capacity to adequately account for the dynamics on the ground.

3. Finally, when violations of human rights are expressed in terms of risk and mitigation, the focus is not on the violation per se but on the existence of a process that reduces its likelihood and internalizes the negative spillovers. Despite the requirement to respect national laws, a due diligence process require operators and traders to put in place measures aimed at achieving no or negligible (but not absent) risk. Operators shall have in place adequate and proportionate policies, controls and procedures to mitigate and manage effectively the risks of non-compliance of relevant products identified. Those policies, controls and procedures shall include: (a) model risk management practices, reporting, record-keeping, internal control and compliance management, including the appointment of a compliance officer at management level for non-SME operators; (b) an independent audit function to check the internal policies, controls and procedures referred to in point (a) for all non-SME operators. According to the logic of risk and mitigation, the adoption of adequate measures to reduce the risk of negative impact of a commodity chain is the objective, but also an exemption in case actual violations were identified. AS a matter of fact traders and operators "shall not place the relevant products on the market or export them, except where the risk assessment reveals no or only a negligible risk that the relevant products are non-compliant" but could put on the market products that end up being associated with non-compliance when this was impossible to detect with the adequate due diligence. In essence, risk mitigation and due diligence act as a safe harbor that protects traders and operators whenever they have adequate processes and audits in place, even if non-compliance was to result.

5 | Expand the Scope to Global Logistic and Financial Flows as Key to Growing Patterns of Extraction

Global trade in deforestation-embedded agricultural commodities is inherently dependent on the presence of an elaborated system of logistic, promoted by the flow of international investments and financial capital, and facilitated by the liberalization of international trade by means of lower tariffs and trade barriers.

On the one hand, roads, railways, ports, silos and other material infrastructures increasingly characterize territories of extraction and link them with the EU and other markets of destination. In some cases, these infrastructures are realized with the support of public funds, including from multilateral development banks,⁴ regional development actors⁵ and bilateral development banks. On the other hand, private financial actors like banks and investment funds have been increasingly involved in the production and circulation of the EUDR relevant commodities by means of equity and lending, and in some cases have been found to be linked⁶ with companies and enterprises found guilty of deforestation. According to recent investigations,⁷ central banks may also be involved by means of their purchase of corporate bonds of enterprises responsible for deforestation.

Seen from the experience of the territories, the expansion of infrastructures and the flow of financial capital appear to drive further deforestation and intensify pre-existing social-environmental conflicts, cement path dependencies and limit the opportunities for territories to engage in different forms of production and distribution. However, both the materiality of trade logistic and the immateriality of the financial drivers are excluded from the EUDR, along with the responsibility of the actors who are directly and indirectly involved in that. On the contrary, the European Commission explicitly states that the deforestation associated with the construction of an infrastructure should not be considered as falling in the scope of the Regulation.



Any meaningful attempt to address EU's role in deforestation, climate change and loss of biocultural diversity must thus address both the material footprint of global infrastructures, the close link between trade and the expansion of the agricultural frontier, and the way in which EU financial actors (including the bond purchase of central banks, the investment of development finance institutions, and the investments by Asset Managers Fund, banks and pension funds) may be supporting the realization of infrastructures and activities linked to the production and circulation of deforestation embedded commodities. Future revisions of the Regulation should therefore expand the scope to recognize the environmental and human rights impacts of investing in logistic, and the responsibility of EU-based financial actors.

6

Link Implementation with Territorial Realities, Forms of Resistance and Regional Food Systems

The EUDR recognizes that not all territories of production are the same. At the same time, it hints at the fact that not all commodities are the same in terms of environmental and social impact, nor produced in the same way or circulated along the same routes and chains. However, this complexity is mostly translated into risk assessments and ranking, rather than a deep and holistic understanding of the ways in which global commodity chains unfold locally and shape socio-ecological dynamics.

The EUDR also recognizes that not all producers and traders/operators are the same or participate to the same value chains, so that small-scale producers should receive support in order to integrate in the new framework and that small-and medium scale traders and operators require more time to adapt to the new obligations and have a lower threshold (Article 5). However, the EUDR fails to recognize that the majority of the small-scale and family farmers in the world do not participate into global commodity chains, and that only 30% of the agricultural products in the world are traded internationally.⁸ Although the Regulation is exclusively interested in products that are placed on the EU market, it would be a mistake to assume that its implementation would not impact the territory at large, including farmers and producers who do not participate into global commodity chains, and a problem to leave their voices out of the picture. In particular, it must be recognized that most of the agricultural production in the world is not aimed at international trade, that regional food security is one of the pillars of the Sustainable Development Goals, and that the establishment or consolidation of 'deforested' global value chains will have significant distributive implications.

As recognized by the EUDR, the social-economic impacts of the EUDR will be different across countries and within countries. This diversity of places, particular histories and culture characteristics, legal frameworks, economic conditions, type of producers, constellation of relevant actors/stakeholders etc. must thus be acknowledged and take center stage during the forthcoming months and the implementation of the Regulation, in particular when it comes to the assessment of the legality of the production and the adequate consideration of the stakeholders in the realization of the due diligence statement.

Furthermore, the EU and Member States should acknowledge the multiple and diverse ways in which local actors and public authorities have fought against deforestation and for the recognition of land rights. Across and within countries of origin, territorial and local organizations have developed situated forms of resistance and reaction against the complex and structural effects of deforestation, but also with regards to the broader impacts of large-scale monocultural production and their widespread negative consequences. For example, indigenous and afro-descendent communities in the Tapajos region have developed community protocols⁹ for the prevention and monitoring of deforestation, mostly by connecting it to territorial and socio-biological diversity and to their right to a free, prior and informed consent to large-scale projects and investments.

Whereas article 28 of the Regulation recognizes the need for strategic cooperation, it is of utmost importance to put people's voices and needs at the center, including those of the actors who are not and do not want to be part of international trade and value chains, and that feel that their reality and experience may be threatened by the production and trade of 'global commodities'. The EUDR should not be implemented in a way that normalizes



global commodity chains and that discounts the different visions and expectations that people have with regards to their territories and their future. One form of partnership is to provide support to small-scale farmers who are part of global commodity chain, as already happening with the EU-funded project SAFE¹⁰ that is undertaken Brazil, Ecuador, Indonesia, and Zambia. Another form of partnership would consist in using the regulatory innovation of the EUDR to act in support of the consolidation and expansion of territorial markets and local forms of production and consumption that fosters food and nutrition security, and align with both the right to food and the Sustainable Development Goals. The 'greening' effort of the EU Regulation on deforestation-free products should thus avoid looking at partnerships and countries exclusively through the lenses of global commodities and global commodity producers, but should be organized to recognize and actively support all those actors who do not participate in international trade or resist it, with the aim of achieving the goal of increasing the resilience of local and regional food systems and their autonomy.

Endnotes

- ¹ The project tackles the socio-environmental dynamics comprising relations at and between the territorial and international level across the extraction, production and circulation of soy, cattle and gold in Brazil, cattle and gold in Colombia, and palm oil and tin, in Indonesia.
- ² "Land spanning more than 0.5 hectares with trees higher than. 5 meters and a canopy cover of more than 10 percent, or trees able to reach these thresholds in situ" (FAO 2020, <https://www.fao.org/3/i8661en/i8661en.pdf>)
- ³ 'Relevant legislation of the country of production' means the laws applicable in the country of production concerning the legal status of the area of production in terms of: (a) land use rights; (b) environmental protection; (c) forest-related rules, including forest management and biodiversity conservation, where directly related to wood harvesting; (d) third parties' rights; (e) labour rights; (f) human rights protected under international law; (g) the principle of free, prior and informed consent (FPIC), including as set out in the UN Declaration on the Rights of Indigenous Peoples; (h) tax, anti-corruption, trade and customs regulations.
- ⁴ World Bank, Port Community Systems: Driving Trade in the 21st Century, November 1, 2023, available from <https://www.worldbank.org/en/topic/trade/publication/port-community-systems-driving-trade-in-the-21st-century>
- ⁵ See, for example, the investment realized by the European Investment Bank in Madagascar, aimed at connecting "isolated rural populations and enables the development of international ports in the north and south of the country," which are key knots for international export. Source: EIB, How to move it, move it, 11 april 2023, available from <https://www.eib.org/en/stories/madagascar-climate-roads>.
- ⁶ Global Witness, Deforestation Dividends, 22 October 2021, available from <https://www.globalwitness.org/en/campaigns/forests/deforestation-dividends/>
- ⁷ Global Witness, Bankrolling deforestation: Central banks accused of financing environmental destruction, September 28, 2022, available from <https://www.globalwitness.org/en/campaigns/forests/bankrolling-deforestation/>.
- ⁸ FAO, International food trade and natural resources. Background paper for The State of Agricultural Commodity Markets (SOCO), Rome: 2022, available from <https://www.fao.org/3/cc2771en/cc2771en.pdf>
- ⁹ Layza Queiroz, Lizely Borges, Lucas Pereira de Souza e Pedro Martins, 'Protocolos de Consulta no Tapajós: experiências ribeirinhas e quilombolas', Terra de Direitos, Brasil: 2018, available from <https://observatorio.direitosocioambiental.org/protocolos-de-consulta-no-tapajos/>
- ¹⁰ SNRD Asia/Pacific, The SAFE Challenge in Indonesia: Call for Ideas!, 04 September 2023, available from <https://snrd-asia.org/the-safe-challenge-in-indonesia-call-for-ideas/>.



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