



**A GENDERED PERSPECTIVE  
OF THE PROPOSED EU REGULATION  
ON DEFORESTATION-FREE PRODUCTS**

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## Summary

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In November 2021, the European Commission published a proposal for a Regulation on deforestation-free products. The legislation seeks to curb deforestation and forest degradation driven by the expansion of agricultural land used to produce forest and ecosystem-risk commodities (FERC) by stopping products that have caused forest degradation or deforestation from entering the European Union (EU) market. The original draft Regulation was limited to six key commodities – cattle, cocoa, coffee, palm oil, soya, and wood. It is expected to be adopted in 2023 following tripartite negotiations between the European Parliament, Member States, and the European Commission.

While most non-governmental organisations (NGOs) have been positive about the proposal, several important concerns have been raised, some were acted upon during reviews by the European Council (of relevant Ministers) and the European Parliament. These included calls to enlarge the protection of human rights, particularly protections for Indigenous Peoples and other marginalised groups.

This paper seeks to add to existing critiques on the draft Regulation, with a specific focus on ensuring the EU adopts an ambitious, gender-inclusive law in line with its commitments under the Gender Equality Strategy 2020 – 2025 and the third EU Action Plan on Gender Equality and Women’s Empowerment in External Action 2021–2025 (GAP III). This means highlighting gender dimensions, addressing and amending existing components of the legislation that risk negatively impacting women and developing accompanying and complementary measures which are supportive to women.

Despite the explicit commitment of the European Commission in GAP III that it will “integrate a gender perspective in all major Commission initiatives during the current mandate” and promote a gender-transformative approach in agriculture and food systems, ***the Regulation proposed by the European Commission, which primarily addresses agricultural commodity chains, was entirely gender blind***. This is not just problematic from a perspective of EU policy coherence or the credibility of the EU’s claim that it would be “a global front-runner in promoting gender equality,” but also from a perspective of human rights and equity, as the legislation in its current form might have significant negative consequences for women. Happily, on 13 September 2022 the European Parliament adopted several amendments that would strengthen the gender dimension of the legislation, including a commitment to ensure the full participation of women in partnerships and cooperation and other forms of stakeholder engagement,<sup>1</sup> and a requirement for the Commission to continuously monitor the Regulation’s impacts on women, amongst others.<sup>2</sup> It also included references to gender equality, women’s rights and the need to address possible negative impacts on women in the introduction to the proposal. The upcoming tripartite negotiations between the European Parliament, Commission and Council will determine whether these amendments are included.

A failure to effectively integrate a gender perspective into the Regulation would undermine its objective of effectively curbing deforestation and forest degradation. Without the integration of an intersectional and decolonial feminist analysis, the Regulation may exacerbate inequalities and undermine its ambition.

According to the World Bank, women in all their diversities are most commonly responsible for the production of food crops within small-scale farming systems. As such, any impacts on small-scale farming and smallholders may disproportionately impact women and other marginalised groups.

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<sup>1</sup> - Article 2 on the definition of stakeholder engagement, and article 28 of the proposed Regulation.

<sup>2</sup> - Article 32 of the proposed Regulation.

Furthermore, the draft Regulation omits critical aspects associated with the sustainability of value chains in corporate governance, which may have short-, medium-, and long-term impacts on livelihoods, cultures, women's rights, and the achievement of the Sustainable Development Goals (SDGs). This could also impact the complementary EU rules to achieve a just transition, climate justice, and equity as required under the United Nations (UN) Framework Convention on Climate Change.

Specifically, the cooperation and partnerships originally proposed in the Regulation would risk excluding the voices and specific needs and interests of female smallholders. As women are underrepresented in cash crop production and overrepresented in producing food for the household and local markets, a gender-blind partnership strategy would risk prioritising the commercial interests of the predominantly male producers of FERCs over the livelihood needs and interests of female subsistence producers.

With climate change being a key cause of uncontrolled forest fires and other drivers of forest loss, any EU policy or legislation that promotes international commodity trade and associated transport-related emissions over local, more sustainable food chains is counter-productive from a forest conservation perspective. It would also be contrary to the EU's Farm to Fork Strategy to create shorter supply chains and reduce dependence on long-haul transportation.

Additionally, the original draft Regulation used an ambiguous and narrow definition of "forest degradation", which protects primary forests only. This could easily be interpreted as allowing the replacement of large patches of forests, especially secondary and regenerating forests, with monoculture tree plantations. Global Forest Coalition (GFC) research shows that tree plantations, even when not directly replacing forests, have a significantly negative impact on women. They cause biodiversity loss, land concentration, the depletion of freshwater resources, and agrochemical pollution. They also have social impacts like rural unemployment and depopulation, as it concerns a highly labour-extensive form of land use that provides a limited amount of often seasonal jobs, primarily for men. All these impacts have consequences on women. Here again, the proposed amendments of the European Parliament are helpful, as they expand the definition to "*the reduction or loss of biological or economic productivity and complexity of forests and other wooded land and other natural ecosystems, affecting their species composition, structure or function*".

There is also a need to ensure traders are required to comply with international human rights standards, including the UN Convention to Eliminate All Forms of Discrimination Against Women (CEDAW), the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), and the UN Declaration on the Rights of Peasants (UNDROP), which are particularly relevant for rural women.

The need to comply with national legislation can be positive in those producer countries with progressive legislation on women's rights. However, as some countries have not incorporated key international human rights standards into their national laws, such compliance must be complemented by an explicit requirement to also comply with international standards. Moreover, compliance can be hard to monitor in the absence of strong provisions on access to justice. Rightsholders that are aware of such national laws and international human rights standards, including women, might lack the capacity to voice a substantiated concern as they might not know who the relevant 'competent' authorities referred to under Article 29 are, or what procedure they should follow to voice their concerns. That is why the European Parliament's proposal on access to justice should be adopted.

The Regulation's strict due-diligence requirements might also present potential obstacles to women smallholders in sectors that provide significant income for women, although it should be noted that the profits of such commodity production seldom end up in the hands of the women doing most of the work (see below). Regardless, the Regulation should be accompanied by complementary measures that facilitate a just transition of women and men who currently depend on forest-risk commodity production for the EU market towards more sustainable livelihood alternatives.



To address these concerns, EU policymakers including the European Commission, Members of the European Parliament (MEPs) and Member States should consult all stakeholders and rightsholders, particularly women smallholders and other vulnerable communities, as part of a thorough gender analysis of the proposed Regulation and make amendments to ensure it will help achieve EU and international commitments on human rights, gender equality, and women's empowerment. Particular emphasis should be placed on developing strategies and guidance for establishing partnership-based agreements, which present a specific threat and opportunity to the interests of women and smallholders in general. A profound gender-sensitive assessment of the needs and challenges of different smallholders should be undertaken before partnerships are established.<sup>3</sup>

### **Key recommendations :**

- Ensure the Regulation is in line with GAP III, by incorporating a commitment to implement it in a gender transformative manner using gender specific performance assessments;
- Ensure a gender impact assessment as part of all feasibility studies for future related EU policies and legislation, and review EU policies and legislation related to forests;
- Include an explicit obligation that commodity production should comply with international human rights standards like CEDAW, UNDRIP and UNDROP;
- Expand the Regulation's scope to include all forest-risk commodities, in line with the proposals of the European Parliament and the financial sector so as to ensure effective coverage;
- Ensure definitions of forest degradation are adopted that include all practices that impact negatively on forest biodiversity, including monoculture tree plantations;
- Ensure a comprehensive clause on access to justice is included;
- Ensure a gender-sensitive value chain analysis is performed of each relevant FERC before any partnerships-based mechanisms or other implementation mechanisms are established;
- Ensure the full, effective and equitable participation of women and other marginalised rightsholder groups in partnership-based mechanisms and any other implementation mechanisms, taking into account power imbalances and risks for environmental defenders;
- Promote gender-just and equitable livelihood alternatives for smallholders currently producing FERCs and ensure that such alternatives take into account opportunities in off-farm income and the importance of social services that reduce the dependence of women and other genders on cash income, like free public education and health services. Support to agroecology, involving crop rotation, polyculture and organic fertilising, can ensure there is a balance between the environment and production;
- Ensure the Regulation and its implementation mechanisms include requirements that empower women to secure land governance rights, and perform a gender analysis and social assessment prior to land tenure reform to ensure women and other marginalised groups benefit equitably;
- Ensure commodity trade that impacts negatively on women is not maintained or enhanced through shifting production to peasant or Indigenous lands, or through partnership-based mechanisms that promote continued international commodity trade that outcompetes local food supply chains;
- Ensure the Regulation supports and promotes local-level food supply chains and territorial markets and does not unnecessarily promote international commodity trade, in line with the EU Farm to Fork Strategy commitment to reduce long-haul transport of farm products; and
- Ensure the Regulation and its partnership-based mechanisms support local food supply chains through promoting diversified, sustainable, healthy and balanced food systems outside of international value chains, including by supporting effective and equitable participation of women and other vulnerable groups in associations of small-scale producers to ensure food supply at the local level.

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<sup>3</sup> - See also <https://www.tropenbos.org/news/eu+must+urgently+assess+smallholder+needs+for+deforestation+regulation+success>

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## Introduction

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Forests cover almost one-third of our planet's land.<sup>4</sup> They are essential to life on earth and are an important ally in efforts to tackle climate change. However, they are not merely environmental spaces but also deeply political ones. Over 1,500 definitions of forests have been documented worldwide, and there are undoubtedly many more.<sup>5</sup> These definitions are not simply biological, but encompass diverse worldviews and cultural systems, positing forests as spaces of social and economic organisation, sites of religious and spiritual practices, and relational entities no less epistemologically 'real' than a modern nation state.

According to the World Bank, some 1.2 billion people worldwide rely on forests, in addition to 300 to 350 million people living within or adjacent to dense forests depending on them for their subsistence and livelihoods.<sup>6</sup> According to the International Fund for Agricultural Development (IFAD) and the UN Environment Programme (UNEP), the number of people practicing smallholder agriculture could be as high as 2.5 billion across more than 500 million small farms.<sup>7</sup>

Women, in all their diversities, are most commonly responsible for the production of food crops within small-scale farming systems.<sup>8</sup> There are also more than 350 million Indigenous Peoples, many of whom are experts in the conservation of endangered and native crops and livestock breeds. These Peoples, marginalised politically and economically and often denied the rights to the very land they tend to and live on, are multi-generational knowledge-keepers of agricultural practices and techniques that increase the nutritional quotient of food reduce the intensive use of pesticides and chemicals, manage wildfires, enhance the biodiversity of forests, and help reduce deforestation.<sup>9</sup>

Although academia and international declarations recognise the role of women in forest conservation and food sovereignty, their work and relevance are often approached in public policies from inferences associated with traditional gender roles rather than guarantees of their rights.<sup>10</sup> As the Centre for International Forestry Research concludes: "Gender blindness is a pervasive problem, be it among forest sector policymakers or government staff."<sup>11</sup>

It is necessary to question the colonial and patriarchal casting of healthy forests as 'pure' spaces devoid of human interaction and presence; for the vast majority of human history, humans have lived in or alongside forests without upending the ecological balance. To this day, the highest levels of biodiversity are found in areas in which Indigenous Peoples have secured their land rights and self-determination.<sup>12</sup> By speaking of the forest or deforestation as a purely environmental issue, we are reaffirming the same worldviews that created and exacerbated these crises.

How many Indigenous smallholders<sup>13</sup> or those of marginalised genders were at the decision-making table of this policy that impacts their agency and livelihoods? Whose voices were listened to and included in this legislative process? Was it a consultative process that was led by smallholders? Who are the communities that will be most affected by this policy, and what will be the impact on their relations between genders?

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4 - <https://www.worldbank.org/en/topic/forests/brief/forest-and-environment>

5 - [https://www.researchgate.net/publication/324755790\\_2018\\_Definitions\\_of\\_Forest\\_Deforestation\\_Afforestation\\_and\\_Reforestation](https://www.researchgate.net/publication/324755790_2018_Definitions_of_Forest_Deforestation_Afforestation_and_Reforestation)

6 - <https://documents1.worldbank.org/curated/en/424531468781760578/pdf/297040v-1.pdf>

7 - [https://www.ifad.org/documents/38714170/39135645/smallholders\\_report.pdf/133e8903-0204-4e7d-a780-bca847933f2e](https://www.ifad.org/documents/38714170/39135645/smallholders_report.pdf/133e8903-0204-4e7d-a780-bca847933f2e)

8 - <https://openknowledge.worldbank.org/handle/10986/6603>

9 - <https://www.fao.org/3/cb93360en/online/src/html/women-youth-participation-empowerment.html>

10 - <https://www.sciencedirect.com/science/article/pii/S2211912417300779>

11 - [https://www.cifor.org/publications/pdf\\_files/Books/Sec-2\\_Gender\\_Equality.pdf](https://www.cifor.org/publications/pdf_files/Books/Sec-2_Gender_Equality.pdf)

12 - <https://www.fao.org/documents/card/en/c/ca8642en>

13 - There are various definitions of smallholders, and not every smallholder is an economically marginalised farmer. As the term smallholder is used by the EU itself, it will be used in this briefing paper as well. We use the definition from the Indirect Land Use Change (ILUC) Delegated Regulation of the EU Renewable Energy Directive (C2019) 2055: Smallholders means farmers who conduct independently an agricultural activity on a holding with an agricultural area of less than two hectares for which they hold ownership, tenure rights or any equivalent title granting them control over land, and who are not employed by a company, except for a cooperative of which they are members with other smallholders, provided that such a cooperative is not controlled by a third party.



Cocoa beans, in the first stage of processing, fermenting. Wahai Subdistrict, North of Seram, Central Maluku, Indonesia. Photo by Nining Liswanti/CIFOR, Flickr/cc

A feminist, decolonial, intersectional approach<sup>14</sup> to environmental policymaking allows us to reveal dynamics of privilege and disempowerment within what seems like progressive legislation. We need to look beyond the narrow experiences of the Minority World, also known as the Global North, so as to not reproduce the dynamics of colonial oppression, especially in its embrace of neoliberal individualist models of trade, production, and consumption.

In this paper, we present possibilities that could better serve the interests of the global majority and explore the implications for women and people of other marginalised genders in different parts of the world.

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<sup>14</sup> -Decolonial approaches seek to disrupt colonial logic and secure the right and ability of Indigenous Peoples to practice self-determination over their land, cultures, and political and economic systems.

## Gendered impacts of international commodity trade

To assess the possible gendered impacts of the Regulation, we must first analyse the specific impacts of international commodity trade on women in all their diversity.

Forest-dependent women and other rural women suffer from multiple, intersectional forms of economic, social, and cultural marginalisation and discrimination.<sup>15</sup> The world's remaining forests tend to be located on lands that were less attractive for agriculture or other economic activities requiring forest conversion. Historically, marginalised communities have been pushed out of the more attractive lands into these forest zones.<sup>16</sup> As a result, forest areas are often inhabited by Indigenous Peoples or other economically and politically marginalised communities, which are disproportionately dependent upon free access to the non-monetary goods and functions forests provide, including wood, non-timber forest products, and water.<sup>17</sup>

Women traditionally play a more significant role in non-monetary economies, including care tasks, producing food, and gathering other non-monetary resources such as fuelwood, water, and fodder for their own households. They thus own less capital and are even more dependent upon free access to non-monetary forest resources.<sup>18</sup> Their care tasks also prevent them from playing a dominant role in the production of cash crops for the international commodity market, even though there are many commodity chains, most notably cocoa and coffee, where women provide a significant part or even the majority of the labour required.<sup>19</sup> This does not necessarily mean they benefit from these commodities.

As the Organisation for Economic Co-operation and Development (OECD) and the Food and Agriculture Organisation (FAO) point out:

*"In the agricultural sector, women are more likely to be concentrated in precarious jobs characterized by unequal remuneration, poor working conditions, no social security and with low levels of representation in decision making. In agricultural supply chains, women are often affected by multiple forms of gender discrimination including limited ownership and control over land and natural resources, barriers to financial services, and formal markets, lack of access to remedy and violation of their many basic human rights."*<sup>20</sup>

### **International commodity markets and the impact on small-scale farmers**

Small-scale agriculture is the primary source of income and employment for 70 per cent of the world's rural poor,<sup>21</sup> although most small-scale farmers also depend on off-farm income, as low prices mean they cannot make a living from their agricultural production alone. They increasingly rely on additional off-farm employment or remittances, with around 250 million migrants financially supporting one billion people in their countries of origin to the tune of US\$ 500 billion per year.<sup>22</sup>

Small-scale farming typically produces small quantities of diverse food and other products for domestic consumption and local markets. As young people migrate to urban areas and overseas, the average age of these farmers is rising. Due to financial constraints and the propensity to avoid risks, small-scale farmers have little access to outside inputs and

<sup>15</sup> - <http://mneguidelines.oecd.org/Integrating-a-gender-perspective-into-supply-chain-due-diligence.pdf>; See also: <https://www.cepal.org/en/insights/implications-gender-roles-natural-resource-governance-latin-america-and-caribbean>

<sup>16</sup> - Arun Agrawal and Clark C. Gibson. Enchantment and disenchantment: The role of community in natural resource conservation, 1999. World Development 27(4): 629-649

<sup>17</sup> - Simone Lovera-Bilderbeek, Agents, Assumptions and Motivations Behind REDD+: Creating an International Forest Regime, 2019; See also: <https://www.sciencedirect.com/science/article/pii/S0305750X98001612>

<sup>18</sup> - Ibid.; See also: <https://www.sciencedirect.com/science/article/pii/S2211912417300779>, <https://www.fern.org/publications-insight/forest-loss-affects-women-and-children-disproportionally-1966/>, <https://www.cepal.org/en/insights/implications-gender-roles-natural-resource-governance-latin-america-and-caribbean>

<sup>19</sup> - <http://ilo.org/wesodata>; See also: <https://www.fao.org/3/i9212en/i9212EN.pdf>

<sup>20</sup> - <http://mneguidelines.oecd.org/Integrating-a-gender-perspective-into-supply-chain-due-diligence.pdf>

<sup>21</sup> - <https://www.worldbank.org/en/topic/agriculture/overview>

<sup>22</sup> - Nigel Poole, Smallholder Agriculture and Market Participation: Lessons from Africa, 2017

investments, meaning they are often not in a position to produce the quantity and quality demanded by commodity export markets or even domestic supermarkets.<sup>23</sup> Only the wealthier farmers, who are increasingly urban and rural elites investing in small (1–20 hectares) rural properties that risk outcompeting the smallest farmers, tend to be in a position to sell more produce than they buy.<sup>24</sup> But even for these farmers, domestic markets tend to be more important than export markets.<sup>25</sup> An important exception is coffee production, where it is estimated that almost 95 per cent of producers own less than five hectares, and 84 per cent less than two hectares.<sup>26</sup> It is estimated that 73 per cent of all coffee globally is produced by small-scale farmers.<sup>27</sup>

Participation in international commodity markets also implies an enhanced exposure to risks, including those associated with products being banned from the EU market due to deforestation risks. Small-scale producers are seldom in a position to address such risks through insurance or other risk management strategies.<sup>28</sup> Meanwhile, risks related to climatic extremes are rapidly becoming more critical due to global heating.<sup>29</sup> Research also shows that value chains are becoming more exclusive and unequal and that the conditions under which economically marginalised producers try to integrate into value chains are deteriorating.<sup>30</sup>

Small-scale farmers often live in areas that are physically remote from markets<sup>31</sup> or otherwise difficult to access. Small-scale farmers in forest areas often face the additional burden of lack of infrastructure to access markets and remoteness from markets in general, which also increases their dependence on intermediaries. They often end up with an unfair price for their products. This has specific implications for women, who lack access to markets due to limited mobility triggered by domestic care tasks, which is even more problematic in remote forest frontier areas. This means women tend to be more dependent on intermediaries for selling to non-domestic markets and are thus in an unfavourable bargaining position.<sup>32</sup> Moreover, agricultural work often competes with care-taking responsibilities and other income opportunities for women, who tend to be time-poor due to the triple burden of productive activities, household-related tasks, and social responsibilities.<sup>33</sup>

Furthermore, the fact that women have an active role in the value chain does not necessarily mean they benefit from it – they often end up doing most of the work while male landowners earn the profits.<sup>34</sup> Their work is often not visible or valued; it is seasonal or otherwise insecure, and the land they work on and related production tools frequently belong to male family members. Women also often lack access to tools that could strengthen their position like information, technology, credit, and cooperatives. Women in many parts of the world also face cultural exclusion from markets.<sup>35</sup>

Women have less access to financial services due to mobility issues, traditional norms, and the fact that they often cannot use land ownership as collateral – only 15 per cent of all agricultural land is owned directly and formally by women.<sup>36</sup> This means they have fewer possibilities to invest in product and process upgrading to meet the standards often demanded by export markets.<sup>37</sup>

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23 - <https://ebrary.ifpri.org/digital/collection/p15738coll2/id/125263>

24 - Jim Woodhill, Saher Hasnain and Alison Griffith, *Farmers and food systems: What future for small-scale agriculture?*, 2020. Environmental Change Institute, University of Oxford, Oxford.

25 - Nigel Poole, *Smallholder Agriculture and Market Participation: Lessons from Africa*, 2017; See also: <https://www.eci.ox.ac.uk/research/food/downloads/Farming-food-WEB.pdf>

26 - <https://earthi.space/press/sustainable-coffee-farming-an-industry-call-to-action/>

27 - <https://ec.europa.eu/environment/forests/pdf/IA%20Deforestation%20-%20Final%20report.pdf>

28 - <https://ebrary.ifpri.org/utills/getfile/collection/p15738coll2/id/125263/filename/125264.pdf>; See also: Nigel Poole, *Smallholder Agriculture and Market Participation: Lessons from Africa*, 2017

29 - <https://www.eci.ox.ac.uk/research/food/downloads/Farming-food-WEB.pdf>

30 - [https://www.cordaid.org/en/wp-content/uploads/sites/3/2013/02/Challenging\\_chains\\_to\\_change.pdf](https://www.cordaid.org/en/wp-content/uploads/sites/3/2013/02/Challenging_chains_to_change.pdf)

31 - <https://www.eci.ox.ac.uk/research/food/downloads/Farming-food-WEB.pdf>; See also: <https://ebrary.ifpri.org/utills/getfile/collection/p15738coll2/id/125263/filename/125264.pdf>; <https://www.enterprise-development.org/wp-content/uploads/M4POxfam-Making-markets-empower-the-poor.pdf>

32 - <https://www.oecd.org/derec/denmark/45670567.pdf>; See also: <https://www.fao.org/3/i9212en/i9212EN.pdf>

33 - <https://www.enterprise-development.org/wp-content/uploads/M4POxfam-Making-markets-empower-the-poor.pdf>; See also: [https://www.cordaid.org/en/wp-content/uploads/sites/3/2013/02/Challenging\\_chains\\_to\\_change.pdf](https://www.cordaid.org/en/wp-content/uploads/sites/3/2013/02/Challenging_chains_to_change.pdf); <https://www.fao.org/3/i9212en/i9212EN.pdf>

34 - <https://www.oecd.org/derec/denmark/45670567.pdf>; See also: [https://www.idhsustainabletrade.com/uploaded/2016/08/toolkit\\_total.pdf](https://www.idhsustainabletrade.com/uploaded/2016/08/toolkit_total.pdf); <https://www.fao.org/3/i9212en/i9212EN.pdf>

35 - <https://www.enterprise-development.org/wp-content/uploads/M4POxfam-Making-markets-empower-the-poor.pdf>; See also: <https://www.fao.org/3/i9212en/i9212EN.pdf>

36 - *Ibid.*

37 - <https://www.oecd.org/derec/denmark/45670567.pdf>; See also: <https://www.enterprise-development.org/wp-content/uploads/M4POxfam-Making-markets-empower-the-poor.pdf>; <https://www.fao.org/3/i9212en/i9212EN.pdf>

## ***International commodity production, land concentration, and its impact on women***

An even more complicated dimension of international commodity production is land concentration. As economies of scale are an advantage in highly competitive global commodity markets, large-scale producers have a competitive advantage over smaller producers. This forms a strong incentive for land concentration and even land grabbing.<sup>38</sup>

As women tend to have weaker land tenure rights than men, they tend to be more affected by land grabbing. But legal forms of land concentration for international commodity production also have significant gendered impacts. Some of the commodities responsible for the majority of deforestation are, not accidentally, also the most labour-extensive in terms of providing the least jobs per hectare of land. Soy production in Paraguay, for example, occupies 75 per cent of the total cultivated land while only generating 15 per cent of total employment.<sup>39</sup>

By concentrating large amounts of land for activities that provide little employment, these commodities trigger rural unemployment and depopulation. Rural depopulation subsequently causes the loss of shops, schools, health facilities, public transport, and other facilities women especially depend on for sustaining their families, further fuelling the migration to urban centres. Such migration also implies a loss of traditional knowledge and culture, including forest-related traditional knowledge.<sup>40</sup> A 2019 GFC report looking at the compatibility of smallholder systems and large-scale export-oriented production in the cattle and feedstock sectors concluded that there was little possibility for these two models to co-exist.<sup>41</sup> The economic, environmental, and social impacts of export-oriented beef production are too profound for small-scale agroecological food systems to survive, even when beef is not produced on recently deforested land. Examples from Latin America show how industrial livestock farming, together with agricultural monocultures, are transforming large areas into “food deserts,” where other forms of food production are displaced, and distances between sites of production and consumption are increased.

In Brazilian Amazonia alone, the cattle herd increased from 2.2 million to 48.5 million animals between 1970 and 2017.<sup>42</sup> In neighbouring Paraguay, 94 per cent of agricultural land is used for the production of export-oriented commodities, replacing women-dominated food production for the domestic market.<sup>43</sup> It is a model that requires little labour and is directed towards commodity chains, while peasant economies, on the contrary, use family and community labour intensively, distribute wealth more evenly, and involve many important social processes.<sup>44</sup>

## ***The use of agrochemicals and its impact on women***

Another dimension of commodity production is that the requirement to produce large and relatively stable quantities of cheap commodities for an international, highly competitive market often forms an incentive to use agrochemicals to rapidly increase production levels. Many agrochemicals, including glyphosate – a popular herbicide widely used in genetically modified soy production – have particularly harmful health impacts on women. They are associated with breast cancer, miscarriages, and birth deformations.<sup>45</sup>

For the proposed Regulation to be truly gender-inclusive, it must consider these realities, amend existing provisions that risk negatively impacting women, and develop accompanying and complementary measures that support women and address the inequalities and risks outlined in this paper.

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38 - <https://ec.europa.eu/environment/forests/pdf/IA%20Deforestation%20-%20Final%20report.pdf>

39 - <https://www.iisd.org/system/files/2020-10/ssi-global-market-report-soybean.pdf>

40 - <https://globalforestcoalition.org/forest-cover-58/>

41 - <https://globalforestcoalition.org/wp-content/uploads/2019/05/forestcover-58-EN-low.pdf>

42 - *Ibid.*

43 - *Ibid.*

44 - *Ibid.*

45 - <https://periodicos.sbu.unicamp.br/ojs/index.php/san/article/view/8641594/9094>; See also: <https://www.iisd.org/system/files/2020-10/ssi-global-market-report-soybean.pdf>; <https://www.scielo.br/j/bjmbra/PfPQXn7vShCfbpKkGN3zZPx/?lang=en>; <https://www.frontiersin.org/articles/10.3389/fpubh.2021.787438/full>



Mangrove seedlings. Community Conservation Resilience Initiative in Samoa. Photo by OLSSI.

# A gendered analysis of the draft EU Regulation on deforestation-free products

In 2019, the European Parliament concluded that “there is a very strong link between deforestation and forest degradation and international trade.”<sup>46</sup> It is estimated that the EU imported almost 36 per cent of all globally traded products associated with deforestation between 1990 and 2008 and consumed 10 per cent of all products that triggered forest loss.<sup>47</sup>

In what ClientEarth called “a long-overdue leap forward in global environmental governance,”<sup>48</sup> the European Commission proposed a draft Regulation in 2021 to address the EU’s role in driving global forest loss through importing deforestation embodied in key commodities. The Regulation’s core element is that it will prohibit the import or export of commodities to the EU that have been produced on land that has been deforested or subject to forest degradation (defined narrowly as the replacement of primary forests by tree plantations only) since 2020. This was the year in which forest loss was supposed to be halted according to SDG 15.2. The originally proposed commodities were beef, soy, palm oil, wood, coffee, and cocoa, and a specified list of products derived from these commodities. Article 3 of the draft Regulation also prohibits importing or exporting these commodities if they have been produced in violation of national laws, including national laws to protect human rights or biodiversity.

Articles 8, 9, and 10 of the draft Regulation set out due diligence, information, and risk assessment requirements for operators. The requirements are challenging, especially for “operators,” that is, the companies or individuals that introduce the relevant commodities – or products derived from those commodities – on the EU market. They need to perform an elaborate risk assessment and provide extensive data on the products they import, including the exact location of production (which could be more than one location in the case of cattle or derived products) and the presence of forests and prevalence of deforestation in that country and area. They must also provide data on “concerns” such as human rights violations in the area of production<sup>49</sup> or any relevant information regarding whether “there is a risk that the relevant commodities and products intended to be placed on or exported from the EU market are non-compliant with the requirements” of the Regulation.<sup>50</sup> Operators and larger traders must report on their due diligence system and appoint a compliance manager. Similar provisions apply to operators who want to export commodities from the EU.

The risk assessment requirements under Article 10 do not apply to countries classified as “low risk” as far as commodity-driven deforestation is concerned, unless the operator obtains or is made aware (for example by NGOs) of information indicating a deforestation risk.

These detailed requirements might be a disincentive to use commodities imported from high or standard risk countries, especially when good alternatives for such commodities exist within the EU. In light of the Farm to Fork Strategy, such incentives can be considered positive and in line with the policy objective to reduce long-haul transportation. As women are more often involved in local food systems, increased local production might also strengthen their position on – still overly competitive – local food and commodity markets.

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46 - [https://www.europarl.europa.eu/RegData/etudes/IDAN/2020/603513/EXPO\\_IDA\(2020\)603513\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/IDAN/2020/603513/EXPO_IDA(2020)603513_EN.pdf)

47 - <https://ec.europa.eu/environment/forests/pdf/1%20Report%20analysis%20of%20impact.pdf>

48 - [https://www.clientearth.org/media/sbjhtw3c/eu-deforestation-proposal\\_main-elements-and-omissions\\_dec21.pdf](https://www.clientearth.org/media/sbjhtw3c/eu-deforestation-proposal_main-elements-and-omissions_dec21.pdf)

49 - Article 10.2(e) (of the draft adopted by the Council) [https://environment.ec.europa.eu/publications/proposal-regulation-deforestation-free-products\\_en](https://environment.ec.europa.eu/publications/proposal-regulation-deforestation-free-products_en)

50 - Article 10.1 of the proposed regulation, [https://environment.ec.europa.eu/publications/proposal-regulation-deforestation-free-products\\_en](https://environment.ec.europa.eu/publications/proposal-regulation-deforestation-free-products_en)

While most NGOs have been optimistic about the Regulation, many have voiced important concerns regarding the original draft. In a joint critique supported by more than 100 European NGOs, the EU has been urged to expand the scope of the legislation to additional ecosystems to avoid replacing deforestation with the destruction of other precious ecosystems and to include broader definitions of forest degradation.<sup>51</sup> NGOs<sup>52</sup> also urged the EU to include a clause that ensured commodity production would respect internationally recognised human rights standards. The inclusion of additional commodities like rubber, maize, pork, leather and poultry was also proposed, and it was recommended to include due diligence requirements for the financial sector, as their investments often drive deforestation-prone commodity production, both directly and indirectly. Most of these proposals have been taken up by the European Parliament.

Additionally, a number of NGOs expressed specific concerns about the rights and interests of smallholders who may struggle to comply with the proposed Regulation.<sup>53</sup> It has been suggested to ensure any linked partnership-based mechanisms allow for full and effective participation of smallholders so that their rights and concerns are being, including through capacity-building and other forms of support for a just transition. NGOs from Liberia, Ghana, Gabon, and the Democratic Republic of Congo (DRC) have echoed these concerns, calling for the involvement of civil society in partnership agreements and compensation for smallholders, especially in the cocoa sector.<sup>54</sup> They have also pointed out that excluding sectors like mining and rubber could lead commodity producers and investors to switch to those sectors to bypass the Regulation. NGOs from Liberia<sup>55</sup> and NGOs and Indigenous Peoples' organisations from Brazil<sup>56</sup> have also echoed criticisms of the exclusion of international human rights standards.

The Regulation has been reviewed by the European Council (of relevant Ministers) and, in September 2022, by the European Parliament. The Council has proposed to review within two years whether more commodities should be included and whether the conversion of other ecosystems or additional forms of forest degradation should be considered.<sup>57</sup> The European Parliament included an obligation to ensure commodities are produced in compliance with laws and standards related to Indigenous Peoples and the tenure rights of local communities, including their right to Free Prior and Informed Consent regarding activities that take place on their lands and territories.<sup>58</sup> It also re-introduced important text on access to justice previously removed by the Council. Moreover, the Parliament highlighted the need to focus the partnership approach on promoting good governance and the rights and livelihoods of forest-dependent communities and smallholders, and highlighted the need to ensure the effective participation of women in such partnerships. It asked for companies to provide fair remuneration and support to smallholders to facilitate compliance with the Regulation and asked the Commission to monitor its impacts on, amongst others, women.

The EU should take on board these recommendations and further recommendations outlined in this paper regarding provisions that threaten to negatively impact women and other marginalised communities. Below is an analysis of some of those provisions and recommendations for amendments.

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**51** - [https://www.fern.org/fileadmin/uploads/fern/Documents/2022/EN\\_Civil\\_Society\\_Position\\_Statement\\_Proposed\\_EU\\_regulation\\_on\\_deforestation-free\\_products.pdf](https://www.fern.org/fileadmin/uploads/fern/Documents/2022/EN_Civil_Society_Position_Statement_Proposed_EU_regulation_on_deforestation-free_products.pdf). Please note some civil society organisations essentially in Republic of Congo and Democratic Republic of Congo fear that the inclusion of other ecosystems would limit future agriculture for export in non-forested areas such as savannahs and that this will put future food security at risk. However, other civil society organisations and farmers in Africa advocate for less export dependent-economies and for scaling up agroecology.

**52** -

**53** - [https://www.fern.org/fileadmin/uploads/fern/Documents/2022/Including\\_smallholders\\_in\\_the\\_EU\\_regulation\\_on\\_deforestation-free\\_products-FINAL.pdf](https://www.fern.org/fileadmin/uploads/fern/Documents/2022/Including_smallholders_in_the_EU_regulation_on_deforestation-free_products-FINAL.pdf)

**54** - <https://www.fern.org/publications-insight/the-eu-regulation-a-liberian-cso-perspective-2525/>, <https://www.fern.org/publications-insight/ghanas-vpa-progress-holds-vital-lessons-for-eu-deforestation-regulation-2526/>, <https://www.fern.org/publications-insight/eu-deforestation-regulation-must-not-ignore-vital-vpa-lessons-2524/>

**55** - <https://www.fern.org/publications-insight/the-eu-regulation-a-liberian-cso-perspective-2525/>

**56** - <https://www.fern.org/publications-insight/eu-deforestation-regulation-must-follow-international-land-and-tenure-rights-standards-2523/>

**57** - <https://data.consilium.europa.eu/doc/document/ST-10284-2022-INIT/en/pdf>

**58** - See also <https://www.fern.org/publications-insight/the-european-parliaments-environment-committee-heeds-indigenous-peoples-voices-2541/> and <https://www.fern.org/publications-insight/european-parliament-champions-indigenous-peoples-rights-in-landmark-deforestation-law-2558/>

## **Non-forest ecosystems, the definition of forest degradation and its implications for women**

The current legislative proposal only focuses on commodities that trigger forest loss and ignores commodities that trigger the conversion or degradation of other valuable ecosystems like grasslands, wetlands, drylands, and non-forested peatlands. To align the Regulation with broader policy aims under the Convention on Biodiversity and the EU Biodiversity Strategy,<sup>59</sup> its scope must be expanded to include non-forest ecosystems.<sup>60</sup>

Another critical omission in the latest draft is its ambiguity regarding the definition of forest degradation and monoculture tree plantations. Article 2(6) of the original proposed Regulation, which concerns the definitions in the legislation originally stated that:

*“forest degradation’ means harvesting operations that are not sustainable and cause a reduction or loss of the biological or economic productivity and complexity of forest ecosystems, resulting in the long-term reduction of the overall supply of benefits from forest, which includes wood, biodiversity and other products or services;”*

However, in its June 2022 review of the Regulation, the Council modified the definition of “forest degradation” to mean “structural changes to forest cover, taking the form of the conversion of primary forests into plantation forests or into other wooded land.” This narrower definition would be so limited that it would protect primary forests only. It could easily be interpreted to allow for the replacement of large patches of forests, especially secondary and regenerating forests, with tree plantations. As replacing non-primary forests with monoculture tree plantations is already a commercially attractive option for wood-producing industries, this omission risks further incentivising it.

Recent GFC research in nine different countries found that tree plantations have a significant negative impact on women, even when they were not directly replacing primary forests.<sup>61</sup> It concerns a highly labour-extensive form of land use that triggers rural depopulation with all its gendered consequences. Tree plantations tend to provide jobs primarily for men, which also brings an enhanced risk of sexual exploitation. When plantations provide jobs for women, they tend to be seasonal, poorly paid, and even dangerous. Monocultures of fast-growing trees also tend to use significant amounts of harmful agrochemicals. These have devastating impacts on the freshwater resources of surrounding communities, both in terms of quality and quantity, and can be particularly harmful to women as they traditionally carry the responsibility to acquire freshwater for household needs in many rural communities.<sup>62</sup>

As such, the definition of forest degradation must be broadened again, in line with European Parliament proposals. The Regulation should explicitly exclude wood from monoculture tree plantations and stipulate that any form of forest management that diminishes forest biodiversity should be classified as a form of forest degradation.<sup>63</sup>

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<sup>59</sup> - [https://environment.ec.europa.eu/strategy/biodiversity-strategy-2030\\_en](https://environment.ec.europa.eu/strategy/biodiversity-strategy-2030_en)

<sup>60</sup> - As mentioned, some civil society organisations, especially in Republic of Congo and Democratic Republic of Congo, fear the inclusion of other ecosystems would limit future agriculture for export in non-forested areas such as savannahs and that this will put future food security at risk. However, other civil society organisations and farmers in Africa advocate for less export dependent-economies and for scaling up agroecology.

<sup>61</sup> - <https://globalforestcoalition.org/forest-cover-62/>

<sup>62</sup> - Ibid.

<sup>63</sup> - Civil society organisations especially in Africa including Ghana, Republic of Congo, and the Democratic Republic of Congo, call for forest degradation and deforestation definitions to be determined nationally and follow those already agreed in the stakeholder process linked to the EU's Forest Law Enforcement Governance and Trade Voluntary Partnership Agreements.



Women from a community living close to the forest in the Pesisir Selatan sub-district in Indonesia, making syrup from Pala (*mystica fragrans*), a spice tree that nutmeg and mace are also made from. Photo by Chaus Uslaini.

### ***International human rights standards and access to justice***

From a gender perspective, there is a particular need to ensure traders are required to comply with international human rights standards, including the CEDAW, UNDRIP, and UNDROP, which are particularly relevant for rural women.

The need to comply with national legislation can be positive in countries with progressive legislation on women's rights. But compliance with national laws can be hard to monitor in the absence of strong provisions on access to justice. The right to seek enforcement of environmental laws or compensation for harm is a human right that often lacks adequate implementation mechanisms. Therefore, the Regulation must include strong requirements related to access to justice, in line with the European Parliament proposal. This should include mechanisms to promote administrative and judicial measures that support the implementation and enforcement of all laws and decisions regarding forests, especially those that address lack of resources and access to rights protections and compensation for women and other marginalised groups.

The Aarhus Convention and the UNEP Bali guidelines regarding implementation of Principle 10 of the 1992 Rio Declaration<sup>64</sup> have emphasised the importance of promoting a strong legal foundation that enhances fair and effective environmental governance. Access to justice (including administrative justice) is complementary to access to information and participation. Eliminating access to justice from the guarantees provided for deforestation reduction could leave marginalised and vulnerable communities without adequate mechanisms to address barriers and constraints that new policies can bring with them. Ensuring the right to a review when information requests are denied and guaranteeing free access to a court of law or other independent and impartial body to challenge the substantive and procedural legality of any decision, act, or omission in environmental matters is crucial. Moreover, national rightsholders aware of such national laws, including, in particular, women, might often lack the capacity to voice a substantiated concern through the procedures described in the draft Regulation. The partnership-based mechanisms could be helpful here, provided they facilitate the full, effective, and equitable participation of women and other marginalised groups, and take into account possible power imbalances and risks to environmental defenders that might stand in the way of rightsholder groups voicing substantiated concerns.

Finally, an adequate Regulation that can exclude the acquisition of commodities and food that results from communities' land and resource grabbing could be significant in guaranteeing their subsistence and rights protections.<sup>65</sup>

64 - <https://www.unep.org/news-and-stories/story/unep-implementing-principle-10-rio-declaration>

65 - <https://www.righttofoodandnutrition.org/state-right-food-and-nutrition-report-2021>

# The proposed EU Partnerships Strategy and its potential impacts on women and other marginalised groups

## *Smallholders' perspectives on international commodity trade*

While the proposed Regulation would introduce increased restrictions on international commodity trade, it identifies partnerships with producing countries as a means to mediate negative impacts on smallholder and larger producers, as well as the countries themselves. However, the partnership-based mechanism described in the draft Regulation would risk promoting the voices of agricultural producers seeking to access the EU market whilst ignoring the needs of small-scale producers focused on local markets. This would disproportionately impact women.

Small-scale farming is central to building sustainable food systems. The multidimensional value of diversified, local production reduces violence and impacts on women's health through the decline in the use of agrochemicals.<sup>66</sup> Small-scale, local, diverse food systems have also proven to be vital for reducing hunger and food insecurity for the more than 811 million people who did not have access to adequate food during 2021 due to the COVID-19 pandemic.<sup>67</sup>

It is essential, therefore, that the voices of small-scale producers themselves are not ignored in the process of finalising the legislation, and, as pointed out below, they should be at the heart of any partnership-based mechanisms. For that reason, it is important to highlight the views of La Via Campesina, the world's largest peasant movement, formed by more than 180 Organisations in more than 80 countries on the impacts of international commodity trade on small farmers.

La Via Campesina has emphasised that "agricultural production must have domestic consumption as a priority and goal."<sup>68</sup> The La Via Campesina Women's Assembly, moreover, has declared that producing one type of food for commercial purposes, even locally produced and administrated, is understood as low or bad productivity, contrary to women's and smallholders' rights.<sup>69</sup> The Regulation, they say, should seek to support local-level food supply chains rather than international trade. It should also promote diversified, natural, and balanced systems outside of international value chain schemes by supporting associations of small-scale producers to ensure food supply at the local level.<sup>70</sup>

Echoing this call, the West African Network of Peasant and Agricultural Producers (ROPPA) stresses the need to recognise and support "territorial markets" as those spaces "through which most food passes, but which have so far been neglected."<sup>71</sup> The network advocates "policymakers start from this point and start thinking about how to support such markets, rather than making decisions based on international markets, which work in a very different way."<sup>72</sup>

66 - [https://www.researchgate.net/publication/346158840\\_Agricultura\\_indigena-campesina\\_ixil\\_y\\_los\\_bosques\\_en\\_Guatemala\\_de\\_los\\_anos\\_setenta\\_a\\_la\\_actualidad\\_Estudio\\_interdisciplinario\\_de\\_la\\_vegetacion\\_activa\\_a\\_escalas\\_regional\\_y\\_11\\_de\\_1973\\_a\\_2016](https://www.researchgate.net/publication/346158840_Agricultura_indigena-campesina_ixil_y_los_bosques_en_Guatemala_de_los_anos_setenta_a_la_actualidad_Estudio_interdisciplinario_de_la_vegetacion_activa_a_escalas_regional_y_11_de_1973_a_2016)

67 - <https://www.righttofoodandnutrition.org/state-right-food-and-nutrition-report-2021>

68 - <https://viacampesina.org/es/declaracion-de-la-via-campesina-30-anos-de-luchas-colectivas-esperanza-y-solidaridad/>

69 - Political Declaration V La Via Campesina Women's Assembly, 2017, <https://viacampesina.org/en/vii-international-conference-womens-assembly-declaration/>

70 - [https://viacampesina.org/es/wp-content/uploads/sites/3/2016/10/CSM\\_Connecting\\_Smallholder\\_to\\_Markets\\_SP.pdf](https://viacampesina.org/es/wp-content/uploads/sites/3/2016/10/CSM_Connecting_Smallholder_to_Markets_SP.pdf)

71 - <https://roppa-afrique.org/>

72 - <https://www.scholacampesina.org/wp-content/uploads/2018/11/CSM-HOTL-Vinculacion-con-los-mercados.pdf>



Guarani Kaiowá community in Brazil. Photo by Christian Braga / Farpa / CIDH, Flickr/CC

The impacts associated with the intervention and disruption of traditional knowledge for industrialised food production disproportionately affects access to food at the local level. For instance, in the Querência area of Brazil, local food supply needs have been displaced by the production and sale of agricultural products and services to meet regional demands for soybean production for export.<sup>73</sup> There is also the case of the Guarani Kaiowá Indigenous women who depend on the production of medicinal plants for their subsistence and are impacted by the timber and soybean industry.<sup>74</sup> Excluding them from environmental policies that affect other regional markets, mainly food production and women's cultural practices, may undermine due diligence duties concerning human rights violations in corporate value chains.<sup>75</sup>

Promoting policies with a participatory gender approach that advocate for local food diversification where food is recognised primarily as a "source of nutrition and only as a trade commodity in the end" is imperative.<sup>76</sup> In light of the EU's Farm to Fork Strategy, such incentives for more local production can be considered positive. As women are more often involved in local food systems, increased local production might also strengthen their position on – still overly competitive – food and commodity markets.

Based on due diligence and the precautionary principle, the Regulation should also exclude trade in goods that jeopardise the human right to access healthy food for local consumption and the food sovereignty of women, girls, and small-scale producers.

Although it is commonly considered that the most effective measures to reduce the vulnerability and poverty of Indigenous and peasant women are based on promoting their participation and training to access international market supply chains, there is no evidence of this, and even gaps in information for the formulation of adequate policies to ensure food sovereignty.<sup>77</sup> Although a high percentage of women are interested in participating in policy formulation, as in the case of biodiversity and the climate agenda, they are still not sufficiently recognised as genuine agents of change.<sup>78</sup> This can be explained by the gaps in access to economic opportunities and political participation - two of the most significant gaps for women according to the Global Gender Gap report.<sup>79</sup>

Women have increasing difficulty accessing land and industrial production models because women are still excluded from forestry and agricultural production policies.<sup>80</sup> This does not necessarily mean the solution lies in ensuring their inclusion in international markets; in fact, only a small proportion of male-dominated small-scale producers participate in global markets, as they are generally the ones who have access to the most resources.<sup>81</sup>

73 - <https://ipsnoticias.net/2022/05/la-huida-de-un-pueblo-amazonico-por-la-expansion-de-la-soja-en-brasil/>

74 - <https://www.brasilefato.com.br/2022/08/07/destruicao-da-floresta-ameaca-cultivo-das-plantas-medicinais-guarani-kaiowa-sao-nossa-cura>

75 - See also [https://www.fern.org/fileadmin/uploads/fern/Documents/fern\\_brazil\\_agroecology\\_internet.pdf](https://www.fern.org/fileadmin/uploads/fern/Documents/fern_brazil_agroecology_internet.pdf)

76 - <https://viacampesina.org/es/declaracion-de-la-via-campesina-30-anos-de-luchas-colectivas-esperanza-y-solidaridad/>

77 - <https://www.sciencedirect.com/science/article/pii/S2211912417300779>

78 - [https://www.women4biodiversity.org/publication/Advancing\\_Women-ENGLISH\\_Report.pdf](https://www.women4biodiversity.org/publication/Advancing_Women-ENGLISH_Report.pdf)

79 - [https://www3.weforum.org/docs/WEF\\_GGGR\\_2021.pdf](https://www3.weforum.org/docs/WEF_GGGR_2021.pdf)

80 - <https://globalforestcoalition.org/forest-cover-58/>

81 - <https://www.fao.org/3/cb6673es/cb6673es.pdf>

## The gendered risks of unbalanced partnership-based mechanisms

Article 28 of the proposed Regulation<sup>82</sup> details cooperation with third countries and sets out guidance for establishing partnership-based mechanisms. Without a detailed strategy requiring a gender-inclusive approach, partnership-based mechanisms risk excluding the voices and specific needs of female smallholders. As women are underrepresented in cash crop production and overrepresented in producing food for the household and local markets, a gender-blind partnership strategy risks prioritising the commercial interests of predominantly male FERC producers over the livelihood needs and interests of female subsistence producers.

The original Regulation proposed to work with producing countries to promote sustainable agricultural value chains and to develop partnerships which “may include structured dialogues, support programmes, and actions, administrative arrangements, and provisions in existing agreements or agreements that enable producer countries to make the transition to agricultural production that facilitates the compliance of relevant products with the requirements of this regulation.”<sup>83</sup>

While the Regulation states that “[p]artnerships and cooperation should allow the full participation of all stakeholders, including civil society, indigenous people, local communities, and the private sector including [small and medium-enterprises] SMEs and smallholders,”<sup>84</sup> the original draft did not include specific reference to women’s groups – the European Parliament has proposed to include this, but concerns go beyond participation. As outlined below, gender-specific constraints and value-chain dimensions might be overlooked in such partnerships. This will likely lead to severe negative impacts on women, especially as the focus of these partnerships will be on commodity production and associated value chains rather than alternative livelihood options and a gender just transition in general.

On the positive side, the draft Regulation does mention that partnerships and cooperation will work to “strengthen the rights of forest-dependent communities including smallholders, local communities, and Indigenous Peoples, whose rights are set out in the United Nations Declaration on the Rights of Indigenous Peoples.”<sup>85</sup> However, without taking into account gender differences in existing rights, including in particular land tenure rights, even such efforts might reinstate gender inequities.

There is a clear need for a gender-sensitive value chain analysis before any partnerships-based mechanisms are established. Organisations like the International Labour Organisation and FAO have developed comprehensive toolkits for gender-sensitive value chain assessments.<sup>86</sup> Such analysis should include an assessment of the gender division of labour along the chain and to what extent there is a gender differentiation in terms of commodities produced for the EU market or commodities produced for local or national markets. Suppose it is found that women and other small-scale farmers produce primarily for local markets. In that case, it should be analysed to what extent possible shifts in commodity markets might negatively or positively impact local markets, including through possible out-competition or increased pressure on available agricultural lands. Research shows that generic interventions uninformed by a gendered value chain analysis risk “not only failing to impact positively on women but even to have unintended negative impacts.”<sup>87</sup>

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<sup>82</sup> - <https://data.consilium.europa.eu/doc/document/ST-10284-2022-INIT/en/pdf>

<sup>83</sup> - Article 28, <https://data.consilium.europa.eu/doc/document/ST-10284-2022-INIT/en/pdf>

<sup>84</sup> - Ibid.

<sup>85</sup> - Ibid.

<sup>86</sup> - [https://www.ilo.org/empent/Publications/WCMS\\_106538/lang--en/index.htm](https://www.ilo.org/empent/Publications/WCMS_106538/lang--en/index.htm); See also: <https://www.fao.org/3/i9212en/I9212EN.pdf>

<sup>87</sup> - <https://www.oecd.org/derec/denmark/45670567.pdf>

## The Bitter Taste of Cocoa and Coffee

Commercial agriculture is the primary driver of deforestation, contributing to almost 90 per cent of global forest loss, according to the FAO.<sup>88</sup> Beef production alone causes some 2.2 million hectares of forest loss per year, making it responsible for some 40 per cent of all forest loss on the planet. However, there is increasing recognition of the role played by the cocoa and coffee industries, and the EU plays a significant role in importing embodied deforestation through the imports of these products.<sup>89</sup>

While the share of EU consumption in triggering forest loss through beef imports is relatively minor, the EU is responsible for 80 per cent of global demand for cocoa and 60 per cent of global demand for coffee.<sup>90</sup> In particular, Ghana and Cote d'Ivoire, the two leading cocoa-producing countries, are facing some of the highest deforestation rates on the planet.<sup>91</sup>

Thus, the Regulation is expected to significantly impact the cocoa and coffee industries, where a substantial part of export-oriented production is in the hands of smallholders.<sup>92</sup> Women also play a significant role in cocoa and coffee farming, though this does not mean that they automatically benefit from these sectors.

For example, it is estimated that only 6.6 per cent of the profits made in the chocolate sector reach the cocoa farmers themselves. In Ghana, cocoa farmers earn an estimated 84 cents per day, and in Cote d'Ivoire, even less: some 50 cents, well below the poverty line. The cocoa sector is also infamous for its child labour; it is estimated that 2.1 million children in West Africa are still employed in cocoa harvesting.<sup>93</sup>

There have, however, been important initiatives by organisations like the Fairtrade Foundation to improve the livelihoods of smallholder cocoa and coffee producers. When such initiatives consider existing gender inequities and include specific measures to encourage women's participation in, for example, producer organisations, they can empower women and enhance their livelihoods. However, an OECD evaluation found that there is a risk that such initiatives increase women's workload while the increased income mainly goes to the male landowners traditionally in charge of commodity production.<sup>94</sup> A study on the conversion to organic coffee production in Uganda found that "it is women who carry out most of the additional farming and processing work needed to meet organic certification and stricter quality and farm management requirements of the organic exporter... [I]t is very likely that women's increased effort in coffee farming in recent years has occurred at the expense of their own income-generating activities. Hence, while men over the last five years have enjoyed an increase in the income they control (from coffee), women appear to have experienced the opposite."<sup>95</sup>

88 - <https://www.fao.org/3/cb7449en/cb7449en.pdf>

89 - <https://ec.europa.eu/environment/forests/pdf/IA%20Deforestation%20-%20Final%20report.pdf>

90 - <https://ec.europa.eu/environment/forests/pdf/1.%20Report%20analysis%20of%20impact.pdf>

91 - <https://www.euractiv.com/section/energy-environment/opinion/a-bitter-taste/>

92 - <https://iopscience.iop.org/article/10.1088/1748-9326/aa6509/pdf>

93 - [https://www.mightyearth.org/wp-content/uploads/2017/09/chocolates\\_dark\\_secret\\_english\\_web.pdf](https://www.mightyearth.org/wp-content/uploads/2017/09/chocolates_dark_secret_english_web.pdf)

94 - <https://www.oecd.org/derec/denmark/45670567.pdf>. See also: <https://www.kit.nl/wp-content/uploads/2019/09/Demystifying-cocoa-sector-chapter14-gender-and-cocoa.pdf> and [https://www.cordaid.org/en/wp-content/uploads/sites/3/2013/02/Challenging\\_chains\\_to\\_change.pdf](https://www.cordaid.org/en/wp-content/uploads/sites/3/2013/02/Challenging_chains_to_change.pdf)

95 - [https://www.researchgate.net/publication/46541809\\_Integrating\\_Poverty\\_and\\_Environmental\\_Concerns\\_into\\_Value-Chain\\_Analysis\\_A\\_Strategic\\_Framework\\_and\\_Practical\\_Guide](https://www.researchgate.net/publication/46541809_Integrating_Poverty_and_Environmental_Concerns_into_Value-Chain_Analysis_A_Strategic_Framework_and_Practical_Guide)



A farmer ploughing her land, Nepal. Photo by FECOFUN.

Even the process of formalising smallholders' land tenure can negatively impact women if it is not preceded by a profound analysis of gender-based constraints to female land tenure. Women might not be aware of land titling efforts or be hampered due to cultural biases that favour the participation of the male head of the household in such processes, which means lands traditionally used by women end up under the formal tenure of men.<sup>96</sup> The FAO Voluntary Guidelines on responsible land governance and tenure offer guidance in this respect.<sup>97</sup>

Experience from similar forest conservation mechanisms has learned that participation of women in forest-related decision-making processes tends to be highly unbalanced and inequitable.<sup>98</sup> Moreover, due to the inclination of stakeholders to align their arguments with their economic interests,<sup>99</sup> a partnership-based mechanism that is inherently linked to the EU market will be inclined to focus on commodity production for the EU market and the relevant value chain rather than embracing a more holistic vision of a just transition.

Close collaboration between governments and the private sector also creates a significant risk of corporate capture of policymaking. GFC research in nine countries and the EU found that such capture was a significant obstacle to genuine policy reform to address the drivers of forest loss, including subsidies and other perverse incentives.<sup>100</sup> Stakeholders with an economic interest are inclined to defend those interests in multi-stakeholder and rightsholder processes, or at a minimum, align their arguments with those interests.<sup>101</sup> Business actors and other producers with strong economic interests in certain commodities will thus be inclined to focus on further expansion of commodity production rather than other policy options.

Yet, from a feminist perspective, it is essential to develop holistic perspectives on gender. Just and equitable alternatives for FERC dependence must also consider opportunities in off-farm income and social benefits that reduce dependence on cash income, like free education and health services. Most smallholders depend on off-farm employment for a significant part of their income, including remittances. More liberal EU migration policies could thus contribute to increasing income from remittances in rural households in developing countries.

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<sup>96</sup> - <https://www.sciencedirect.com/science/article/pii/S2211912417300779>

<sup>97</sup> - <https://www.fao.org/3/i2801e/i2801e.pdf>

<sup>98</sup> - Simone Lovera-Bilderbeek, Agents, Assumptions and Motivations Behind REDD+: Creating an International Forest Regime, 2019

<sup>99</sup> - Ibid.

<sup>100</sup> - <https://globalforestcoalition.org/forest-cover-63/>

<sup>101</sup> - Simone Lovera-Bilderbeek, Agents, Assumptions and Motivations Behind REDD+: Creating an International Forest Regime, 2019

There is also a significant risk that partnership-based mechanisms focusing on addressing sustainability issues related to a specific commodity will fail to offer alternative livelihood options for small-scale producers that are unrelated to that commodity. Some strategies might sound ambitious and even unrealistic, but they are as realistic as efforts to overcome gender obstacles to participation in commodity production. This is because of century-old land ownership patterns that inhibit women's land ownership and thus access to financial services that require land as collateral. Lack of access to financial services is seen as one of the main obstacles to small-scale farmers' access to markets.<sup>102</sup>

Gender-blind partnership-based mechanisms might further marginalise or even outcompete local food sovereignty systems leading to women's increased dependency on the cash income of their husbands and a significant loss of household autonomy. Such mechanisms could become a vehicle for further promoting the replacement of local food sovereignty systems with an international food system based on commodity production for the international market and concentration of food production, consumption, and commercialisation in the hands of a few large actors in the food chain, including supermarkets.

The draft Regulation should include specific provisions for any partnership strategy to include requirements that create space for women to make their voices heard and include gender dimensions. It should ensure, in this respect, that partnerships do not focus primarily on providing support to large corporate producers. This could be achieved through, amongst other stipulations, a requirement for a gender-sensitive value chain analysis before any partnerships-based mechanisms are established.

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## Conclusion

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The proposed EU Regulation on deforestation-free products is a welcome step, which represents a key opportunity and tool to contribute to the sustainable use of forests and food security. However, any legislation focusing on direct deforestation alone will fail to address the gendered broader environmental, social, health, and cultural impacts inherent to the food system that underlies large-scale commodity production.

Markets are biased systems shaped by those with economic or political power. The growth of markets can easily entrench these biases and power disparities to the detriment of women and other marginalised groups. For many small-scale farmers who will never become commercial, social protection mechanisms and access to affordable public services are more effective mechanisms to improve their livelihoods and well-being than enhanced integration in international or even domestic markets. This is particularly true for women, who not only have a disadvantageous position in agricultural value chains but also depend strongly on social protection mechanisms and affordable public services in light of their roles as primary caregivers. Moreover, diversification of income and increased off-farm income (including through liberalising migration policies) should be promoted over policies that lock smallholders into specific value chains and thus make them more dependent on a narrow set of business relationships.

EU Policymakers including the European Commission, MEPs and representatives of EU Member States should take on board the recommendations of civil society, women, other marginalised communities, and other rightsholders to negate potential negative impacts and ensure it meets its core objective of curbing deforestation and forest degradation in a rights-based, gender just, and socially equitable manner. The specific focus should be on ensuring that any partnership-based mechanisms developed under this Regulation promote local food sovereignty systems over the interests of those producing commodities for the international market.

