

Lessons from EU regulation of the fishing sector

Conversion of forest land to large-scale agricultural production of commodities such as soy, palm and beef is a leading cause of global deforestation. In recognition of the need to reduce the European Union's forest footprint, the European Commission is considering measures to regulate European trade and consumption of forest-risk commodities. The EU



has already adopted regulations in other sectors to ensure that products consumed in the EU are legally produced. One of these is the EU Regulation to end illegal, unreported, and unregulated fishing (the IUU Regulation); this third-country carding system provides a promising model for measures to address forest-risk commodities.

Under the IUU Regulation, the EU relies on relevant international agreements such as the UN Convention on the Law of the Sea, and the FAO International Plan of Action to Prevent, Deter and Eliminate IUU

fishing, as reference points for cooperative engagement with third countries to eliminate illegal, unreported, and unregulated fishing. The European Commission conducts rigorous fact-finding missions to evaluate country compliance, and provides a framework for the EU to provide capacity-building and technical assistance to strengthen fisheries' management and control in non-EU countries. Where a country's governance capacities and performance are deemed insufficient, the EU first issues a warning (yellow card) formally setting out the improvements needed. In the most severe cases of non-performance, the EU issues a red card, banning the import of fishery products from any of the flag state's vessels.

The conversion of forest land to large-scale agricultural production is often illegal as it commonly violates the tenure rights of indigenous peoples and local communities. These land and resource tenure rights are recognized within existing international frameworks such as International Covenant on Economic, Social and Cultural Rights, ILO Convention No. 169 on Indigenous and Tribal Peoples, and the African Charter on Human and Peoples' Rights, among others. International standards such as the United Nations Declaration of the Rights of Indigenous Peoples and the FAO's Voluntary Guidelines on the Governance of Tenure also provide important measures of compliance with customary tenure and use rights. These international agreements could provide the basis for a third-country carding system for forest-risk commodities similar to that which has been successfully deployed by the EU in the context of illegal, unreported and unregulated fishing.

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For more information, see: Pritchard, J. 2016. *Developing EU measures to address forest-risk commodities: What can be learned from EU regulation of other sectors?* A Fern discussion paper. Moreton-in-Marsh, UK, and Brussels, Belgium: Fern.