

May, 12th, 2021

To

Angel Gurría, OECD Secretary-General

Mathias Cormann, appointed OECD Secretary-General

Cc.: Permanent Representatives of the Member States of the Organization for Economic Cooperation and Development (OECD)

Excellencies,

We cordially greet Your Excellencies and we would like to draw attention to the serious situation in which human and socio-environmental rights are found in Brazil. We are currently going through one of the biggest sanitary and democratic crises in our country, linked to several attacks and destruction of social and environmental protections and guarantees of rights.

The health crisis, triggered by the lack of an appropriate response to the Covid-19 pandemic by the federal government, led us to reach the milestone of more than 400 thousand deaths caused by the disease on the 30th of April. President Bolsonaro constantly underestimated the severity of the disease, supported the use of ineffective and unproven treatments and without scientific evidence, ignored the urgency to buy vaccines, attacked local officials who adopted measures to fight the pandemic, stimulated agglomerations and discouraged the use of masks and the population from staying at home policies as a means of containment contagion. This has been documented and reported on a research¹ by the University of São Paulo's Center for Studies and Research on Sanitary Law, in partnership with Conectas Human Rights, which analyzed normative acts and policies carried out by the Federal Government to fight the pandemic.

While facing the Covid-19 pandemic, we are also experiencing a serious democratic crisis in our country with attacks on civic space and the use of abusive laws² to intimidate opponents and critical voices of the government. Since the first day of the Bolsonaro government, in January 2019, civil society has been under attack, both verbal and institutionally³. The government deconstructed several councils for social participation within the Executive, as in the case of the National Council for

¹ "Boletim Direitos na Pandemia n. 10", available at:

https://cepedisa.org.br/wp-content/uploads/2021/02/Boletim_Direitos-na-Pandemia_ed_10.pdf

² "PF investigations based on the National Security Law grow 285% in the Bolsonaro government", available at:

<https://politica.estadao.com.br/noticias/geral,inqueritos-da-pf-com-base-na-lei-de-seguranca-nacional-crescem-285-no-governo-bolsonaro,70003652910>

³ The first official act of the federal government, Provisional Measure 870/2019, attempted to place the themes of agrarian reform, land tenure regularization, Legal Amazon, indigenous and quilombola lands under the command of a Ministry that defends and protects the interests of agribusiness and tried to control activities of non-governmental organizations.

the Environment (Conama) and actively sought to adopt measures aimed at restricting access to information and ways of participation and social control of public policies.

Government critics have been intimidated by the state apparatus, such as the Ministry of Justice, the Federal Police and the Institutional Security Office, with the increasing use of the Institutional Security Law, a dire legacy of the military dictatorship, to frame opponents and address political disagreements as a crime.

In addition, we are dealing with one of the biggest institutional attacks on environmental, climate, indigenous people, quilombola communities and other traditional people and communities protections in the country. In the beginning of 2021, President Jair Bolsonaro delivered to the presidency of the Chamber of Deputies and the Federal Senate a list of Bill of Laws (PL) listed as priorities for voting this year. This process is, unfortunately, expected to be fast-paced, with an urgent voting rite applied, which is inappropriate for such complex issues. Public debate, advocacy and participation of civil society in the Legislature are extremely limited by the health restrictions imposed by the pandemic.

In the government's list of priorities, there is no proposal to expand socio-environmental protection for the country. On the contrary, there are several bills drafted by the executive itself and by Congress members from the ruralist bench that completely threaten everyone's right to an ecologically balanced environment, which is guaranteed by Article 225 of the Brazilian Federal Constitution. These bills also weaken the fight against climate change.

The first bill, **PL nº 191/2020**, intends to allow activities such as mining and other mining related projects, installation of hydroelectric and gas and oil exploration and other activities with a significant impact in Indigenous Lands, the most preserved in the country and with a greater carbon stock. The second bill, **PL nº 3.729/2004** in the Chamber of Deputies and its correspondent in the Senate, **PL nº 168/2018**, intend to dismantle the environmental licensing process and the Environmental Impact Assessment, the main and most consolidated tools of the National Environment Policy (Law No. 6.938 / 1981). If approved, this will result in degradation and pollution of all kinds, including deforestation increase in the Amazon and proliferation of new environmental disasters, such as crimes resulting from the rupture of tailings dams in Rio Doce (2015) and Rio Paraopeba (2019). The third bill, **PL nº 2.633/2020** in the Chamber of Deputies and its correspondent in Senate, **PL Nº. 510/2021**, intend to legalize irregular occupations of large areas of public land, of a speculative nature (called "grilagem", also known as land grabbing), including the most recent cases. All of this is happening while Brazilian society and the global community are following with apprehension the exponential increase of deforestation and fires. In the Amazon, deforestation and fires reached the level of 11,085 km². in 2020, approximately 100 times the area of Paris, headquarters of the OECD (105.4 km²).

Besides these threats, other legislative bills are advancing in the National Congress with serious damage to socio-environmental rights and climate stability.⁴ The federal government has also been

⁴For example, the revision of the Statue of the Indian with the purpose of definitively paralyzing demarcations of Indigenous Lands and opening territories to impact activities, including agriculture (PL nº 490/2007, in the Chamber, and PL nº 169/2016 in the Senate); flexible control and increased use of pesticides (PL nº 6.299/2002, in the Chamber, and PL nº 4.146/2019, in the Senate); lowering the degree of protection of native vegetation by making the Brazilian Forest Code more flexible (several PLs); deconstruction of the legislation for the protection of Nature Conservation Units (several PLS)

approving bills in Congress and regulations regarding the release of weapons in Brazil, with special facilitation of the possession of weapons by large farmers, thus increasing the climate of tension and violence in the countryside.

If the environmental situation in Brazil is absolutely out of control, given the high rates of deforestation in the Amazon and the non-compliance with the climate goals assumed at the Copenhagen COP for 2020⁵ and in the Paris Agreement, the eventual approval of the aforementioned bills will mean the final act of the dismantling of social and environmental protection institutions and policies - which has even already been denounced by civil society during the Review of the Responsible Business Conduct Policy (RBC) of OECD for Brazil in 2020⁶.

One of the priorities of Brazil's foreign and economic policy is the accession to the Organization for Economic Cooperation and Development (OECD). To do that, the Brazilian government has been investing in adherence to the OECD's legal instruments and in active engagement with its various Committees. However, the current environmental and human rights protection policies are incompatible with what is expected from an OECD member country and should be taken into consideration in a possible accession process.

Dear representatives, the current conduct of socio-environmental and human rights policies in Brazil cannot be endorsed by this organization. A vote of confidence to the Brazilian government at this time would send a harsh message to those who currently fight for the defense and guarantee of rights in Brazil, to those who daily risk their lives in the name of environmental protection and fundamental freedoms, while perpetuating the situation of offense to international standards on climate protection, such as the Paris Agreement. It is necessary to guarantee a strong commitment of the Brazilian State regarding accession negotiations and this can come through a robust roadmap, with the evaluation of key committees, which will consult civil society and affected communities, to carry out a rigorous analysis of the country's laws, policies and government practices, setting high governance standards to be implemented domestically.

In the context of the transition process of the OECD Secretariat, we would like to emphasize the importance of the current Secretary General, Mr. Angel Gurría, to indicate to his successor, Mr. Mathias Cormann, our concerns about the dismantling of environmental policies in Brazil and the serious health and democratic crisis we are currently experiencing in the country. We wish Mr. Cormann success in his term as Secretary General, and also ask him to take into account that the issues pointed out in this communication, be the object of your Excellency's attention as priorities on your agenda during your mandate.

Brazil's accession process to the OECD, if initiated during the new SG's term, should not be an endorsement of the conduct of socio-environmental and human rights policies of the current Brazilian government - this process should be used as a guarantee of improvements. Special attention is recommended, especially with regard to the resumption of public policies that gave them protection, and to the non-setback in Brazilian socio-environmental legislation, in addition to the promotion of democratic space.

⁵ Law nº 12.187/2009 and regulations.

⁶ "Gaps in Governance of Responsible Business Conduct in Brazil", disponível em:

<https://www.oecdwatch.org/wp-content/uploads/sites/8/2020/06/NGO-input-to-Brazil-RBC-Policy-Review-June-2020.pdf>

Kind regards,

342 Amazonia

350.org Brasil

Amigos da Terra - Amazônia Brasileira

Articulação dos Povos Indígenas do Brasil - APIB

Associação Alternativa Terrazul

Associação de Preservação do Meio Ambiente e da Vida - Apremavi

Associação para a Gestão Socioambiental do Triângulo Mineiro - Angá

Business and Human Rights Resource Centre

Cáritas Brasileira Regional Minas Gerais

Católicas pelo Direito de Decidir

Center for Economic and Policy Research

Centre for Research on Multinational Corporations - SOMO

Centro Dom Helder camara de Estudos e Ação Social

Centro pela Justiça e o Direito Internacional CEJIL

Comissão Pastoral da Terra

Comissão Socioambiental - Diocese de São José dos Campos

Conectas Direitos Humanos

CRIOLA

Defensores do Planeta

Ecologia e Ação - ECOA

Federação Internacional dos Direitos Humanos - FIDH

Federação Nacional das Trabalhadoras Domésticas - Fenatrad

Fundação Grupo Esquel Brasil

Greenpeace Brasil

GT Infraestrutura

Institute of Socioeconomic Studies - INESC

Instituto 5 Elementos - Educação para a Sustentabilidade

Instituto Brasileiro de Análises Sociais e Econômicas - ibase

Instituto Búzios

Instituto Centro de Vida - ICV

Instituto de Estudos Socioeconômicos

Instituto de Pesquisa e Formação Indígena - Iepé

Instituto de Pesquisas Ecológicas - IPÊ

Instituto Internacional Arayara

Instituto PACS

Instituto Sociedade, População e Natureza

Instituto Socioambiental - ISA

Instituto Soma Brasil

International Rivers

Iser Assessoria

Just Foreign Policy

Justiça Global

Justiça nos Trilhos

MARCHA MUNDIAL POR JUSTIÇA CLIMÁTICA / MARCHA MUNDIAL DO CLIMA

Movimento Nacional dos Direitos Humanos

Observatório do Clima

Plataforma Dhesca Brasil

Projeto Hospitais Saudáveis

Projeto Saúde e Alegria

Rede Brasileira de Educação Ambiental
Rede de Cooperação Amazônica - RCA
Rede de Mulheres Ambientalistas da América Latina. Elo Brasil
Rede Feminista de Saúde, Direitos sexuais e reprodutivos - RFS
REDE gta
Rede Nacional de Religiões Afro Brasileiras e Saúde - RENAFRO SP
Rede Pantanal
Sociedade Paraense de Defesa de Direitos Humanos
UGT-BRASIL
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Yanomami
