Letter to OECD Secretary General, Ambassadors, and Environmental Policy Committee Delegates

Dear Secretary General, Ambassadors, and Environmental Policy Committee Delegates:

As the OECD’s Environment Policy Committee prepares to review the proposed roadmap for Brazil’s potential accession to the OECD Convention, we urge you to examine policies of the administration of President Jair Bolsonaro that have led to deplorable environmental and human rights impacts, particularly in Brazil’s Amazon region.

We believe these policies are entirely inconsistent with the human rights and environmental rights priorities of the OECD as outlined in the 2021 Ministerial Council Statement and the 2022 Declaration on a Resilient and Healthy Environment, including the organization’s commitment to achieving the objectives of the Paris Agreement. We think it is crucially important that the Accession Roadmap contain core principles that steer Brazil to overhaul these dangerous policies and ensure the country genuinely demonstrates its willingness and ability to uphold the OECD’s environmental and human rights commitments.

We were encouraged that the OECD Council’s letter announcing the opening of accession discussions—citing the 60th Anniversary New Vision Statement and the 2021 Ministerial Council Statement—stressed “the importance for each country to adopt and fully implement public policies in line with its climate goals, including reversing and halting biodiversity loss and deforestation as agreed during COP26 in Glasgow, and taking effective actions to translate this on the ground.”

Unfortunately, the Bolsonaro administration has actively and openly worked against these objectives.

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The administration’s rhetoric and actions have effectively given a green light to criminal networks that are driving much of the deforestation. These mafias engage in acts of violence and intimidation against Brazilian forest defenders, including environmental enforcement agents, Indigenous communities, and local communities. The fires that they and others set to clear deforested land produce pollution that poisons the air breathed by millions of Brazilians, taking a grave toll on public health in the region. Those responsible for the violence, fires, and other environmental crimes are almost never brought to justice.

As we detail in the attached briefing document, these policies and practices have contributed to soaring deforestation rates in the Brazilian Amazon, an ecosystem vital for limiting global warming. They have increased the likelihood that commodities produced in the Amazon region of Brazil could be linked to the environmental crimes and human rights abuses that are driving the destruction of the rainforest. They have also made it increasingly unlikely that Brazil will be able to uphold the environmental and human rights commitments espoused by the OECD.

To bring Brazil’s policies and practices into compliance with existing OECD commitments, without prejudicing any future standard developments, we believe the Accession Roadmap should include at least the following core principles for the technical accession review by the Environment Committee:

- Ensuring effective enforcement of environmental laws by restoring the capacity of environmental agencies and ensuring those responsible for environmental law violations are held to account;

- Ensuring that acts of violence and intimidation against environmental defenders are rigorously investigated and prosecuted and those responsible are held to account;

- Ensuring the protection of the rights of Indigenous peoples, including by resuming the demarcation of Indigenous territories, protecting these territories from illegal land seizures, and strengthening the Indigenous protection agency;

- Ensuring that companies conduct human rights and environmental due diligence concerning their supply chains and business relationships, and report publicly on their due diligence policies, practices, and outcomes in accordance with international standards.

If the OECD were ultimately to grant Brazil membership while the Brazilian government continues to flagrantly flout its international environmental and human rights obligations—including its commitments under the Paris Agreement—it would undermine the credibility of OECD’s own...
Crisis in the Brazilian Amazon

I. Accelerating Deforestation

Deforestation in the Brazilian Amazon has increased dramatically since President Bolsonaro took office in 2019—including a 22 percent jump in 2021 (to 13,000 square kilometers of rainforest cleared) over 2020, the highest since 2006 and more than triple the target that Brazil established in its National Climate Change Policy enshrined into law in 2009.[i]

This accelerated deforestation is driving the Brazilian Amazon towards a “tipping point” where vast portions of the rainforest will turn into dry savannah, altering weather patterns and water cycles across South America and releasing billions of tons of carbon into the atmosphere.[ii] Indeed, some deforested areas of the Brazilian Amazon are already releasing more carbon than they absorb.[iii]

Every year, fires linked to deforestation in the Amazon poison the air that millions of Brazilians breathe with significant respiratory problems, including thousands of hospitalizations.[iv]
In its December 2020 update to the Nationally Determined Contribution (NDC) to the Paris Agreement, Brazil reiterated the emissions reduction goals established in its 2016 plan rather than establishing more ambitious targets, as the Paris Agreement required. Moreover, the 2020 plan increased the baseline value against which reductions were to be calculated, thus allowing Brazil to appear to meet its targets while making significantly smaller emissions reductions than originally pledged. Since then, Brazil has updated its NDC, most recently on April 7, 2022, but its new targets would still allow an increase in emissions when compared to the 2016 threshold, according to an analysis by the Brazilian think tank Talanoa.[vi]

At the COP26 climate summit in Glasgow, Brazilian representatives committed to end illegal deforestation by 2028. However, the government has yet to present adequate plans and concrete results towards this goal.[vii] The credibility of this expressed commitment was undermined by the fact—that later revealed in the Brazilian press—that the government had delayed the release of official data showing a dramatic increase in deforestation during the previous year, in an apparent attempt to preclude criticism during the summit.[viii]

III. Sabotaging Environmental Law Enforcement

Since taking office in 2019, the Bolsonaro administration has undercut Brazil’s federal environmental agencies, weakening the enforcement of environmental law, removing experienced environmental agents from leadership positions, and publicly deriding the agencies’ work.[ix] The administration’s policies and rhetoric have effectively given a green light to criminal networks that drive the destruction of the forest.[x]

Under the Bolsonaro administration, the number of environmental fines issued by the country’s main environmental enforcement agency dropped dramatically. The average number of infraction notices issued annually for deforestation in the Amazon during Bolsonaro’s first three years in office was 40 percent lower compared to those for the decade before he took office.[xi] Moreover, the average number of fines paid annually in 2019 and 2020 was 93 percent lower than the average number paid annually during the previous five years, a study by researchers at the Federal University of Minas Gerais showed.[xii]

The number of federal environmental enforcement agents, already in decline over the previous decade, has dropped dramatically under the Bolsonaro administration. In May 2020, the federal environmental agency, the Brazilian Institute of the Environment and Renewable Natural Resources (IBAMA), issued a technical note describing the need to hire at least 970 environmental analysts.[xiii]
The demarcation and protection of Indigenous territories has been a cornerstone of successful conservation efforts in the Amazon. Deforestation rates on lands securely held by Indigenous peoples tend to be significantly lower than in other comparable areas.[xv] Yet, since President Bolsonaro took office, the federal government has not demarcated any new Indigenous territories, even though the constitution requires it to do so, leaving more than 200 pending demarcation.[xvi]

Instead, Bolsonaro and his allies in Congress have promoted a bill to prevent Indigenous peoples from obtaining legal recognition of their traditional lands if they were not physically present on them on October 5, 1988—when Brazil’s constitution was enacted—or if they had not, by that date, initiated legal proceedings to claim them.[xvii] If approved, the bill would make it impossible for Indigenous peoples who were expelled from their territory before the arbitrary cut-off date or who are otherwise unable to prove they were there or were involved in an ongoing dispute over their claim on that date to have their land rights recognized. The Bolsonaro administration also tabled a bill in Congress to open Indigenous land to mining and other commercial enterprises.[xviii]

Illegal invasions, logging, land grabbing, and other incursions in Indigenous lands increased by 135 percent during Bolsonaro’s first year in office and continued to rise in his second year, according to the Indigenist Missionary Council, a non-profit organization with offices across Brazil.[xix]

V. Violence Against Forest Defenders

The destruction of the Brazilian Amazon is driven largely by criminal networks that employ violence and intimidation against those who seek to protect the rainforest, including against enforcement agents and members of local communities.[xx]

Those responsible for the violence are rarely brought to justice. A 2019 Human Rights Watch report documented how this lack of accountability is largely due to the failure by police to conduct proper investigations into killings and threats, with officials in some locations refusing to even register complaints of threats.[xxi]

Since President Bolsonaro took office, the operations of these violent criminal networks have only become more brazen, according to local prosecutors, human rights defenders, and community leaders.[xxii] The reduced enforcement of environmental laws by the federal government has put local forest defenders at greater risk as criminal networks are reportedly even more emboldened to use violence and intimidation against local residents who oppose their illegal activities.[xxiii]
and indirect suppliers) makes it impossible to ensure these supply chains are not linked to
deforestation or human rights abuses.[xxiv]

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[x] In July 2021, a federal oversight body released an assessment that concluded that public statements from federal authorities, in particular from the President, dismissing the accomplishments of the government’s environmental agencies have harmed the enforcement efforts of the Brazilian Institute of the Environment and Renewable Natural Resources (IBAMA), potentially encouraged deforestation, and coincided with increasing reports of threats and violence against environmental enforcement agents. See: TCU, “Aumento do desmatamento e redução na aplicação de sanções administrativas,” July 23, 2021, https://portal.tcu.gov.br/imprensa/noticias/aumento-do-desmatamento-e-reducao-na-aplicacao-de-sancoes-administrativas.htm (accessed April 12, 2022).


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Ibid. Human Rights Watch interviews from October 2021 to April 2022 with prosecutors, representatives of civil society organizations, human rights defenders, and community leaders in Pará, Rondônia and Amazonas states. Names withheld for security reasons.