

Dangerous man, dangerous deals

Why the EU should
not strengthen relations
with Bolsonaro



GREENPEACE

Greenpeace is an independent global campaigning network of organisations that acts to change attitudes and behaviour, to protect and conserve the environment and to promote peace.

Imprint

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Introduction

The EU-Mercosur trade agreement would have fatal consequences for the planet and people and any deal that rewards Bolsonaro's policies must not materialize. Harmful trade agreements like EU-Mercosur undermine the EU's duty to address its own planetary footprint. Closer trade relations or carbon credit trading with the government of Brazilian President Jair Bolsonaro reward an agenda that is fervently anti-human rights and anti-environment.

Brazilian officials and agribusiness representatives, in the context of trade and environmental negotiations, have painted a distorted view of the real consequences of Bolsonaro's agenda. Recently at COP26 in Glasgow – as the Brazilian delegation announced misleading climate commitments¹ – the government delayed the release of annual deforestation numbers that revealed a deforestation rate increase of nearly 22 percent. Even more concerning, the same Brazilian lawmakers who attended the COP, upon returning to Brazil, began to rush radical anti-environmental legislation that would make deforestation worse by either rewarding illegal land grabbing, threatening Indigenous Peoples' lands, or ending participatory environmental licensing.

Brazilian President Jair Bolsonaro's policies are sacrificing communities and natural ecosystems necessary to sustain life on the planet. In just three years, his agenda has yielded dramatic degradation of nature, communities, and biodiversity. This report highlights the many dimensions of his agenda's consequences. Under Bolsonaro Amazon deforestation has increased by 75.6 percent and fire hotspots alerts grew by 24 percent. Greenhouse gas emissions in Brazil increased 9.5 percent since Bolsonaro took office. In large part these increases can be attributed to his administration systematically dismantling policies and enforcement practices that protect the environment and the climate. The rights of Indigenous Peoples have been undermined as a result of Bolsonaro's Agenda. The number of land conflicts in Brazil, one of the most dangerous geographies in the Western Hemisphere, have increased by 40 percent. Civil rights and civil society organisations are under increasing threats as well, including non-governmental organisations (NGOs). In the midst of the disastrous fires in the Amazon in 2019, Bolsonaro blamed NGOs for having lit them.²

“You know that NGOs don't have a voice with me. I am firm with these people, but I can't kill this cancer that most NGOs are.”

President Bolsonaro in September 2020³

Greedy politicians and powerful corporations continue to enrich themselves at the expense of the planet and society. The impacts on humans are not distributed equally. Marginalized groups bear disproportionate impact as a result of structural, social and racial injustice and oppression. Inhumane and unjust policies are also destroying the environment and climate. The climate crisis is worsening, as noted by increasing ice melt, floods and other extreme weather events. The global extinction of species is occurring at a massive scale, with 25 percent of animal and plant species worldwide in danger of extinction, and around 60,000 species disappearing every year. Important ecosystems such as forests, grasslands, wetlands, or savannahs are being destroyed. When the balance of nature collapses, all our lives are also affected. The protection of important ecosystems such as the Amazon Rainforest or the Pantanal Wetlands is essential in times of climate and biodiversity crises.

The EU is complicit in the climate and biodiversity crisis stemming in places like Brazil. The EU is one of the leading importers and financiers of agricultural products that cause deforestation. But instead of taking its own climate and sustainability commitments seriously and addressing the EU's role in the worsening crises, the EU has prioritized a trade agreement with Mercosur countries (Brazil, Argentina, Uruguay, Paraguay).

EU trade chief Valdis Dombrovskis is determined to push the EU-Mercosur deal through and ignores that the Brazilian government has no intention to reverse its destructive agenda and improve the situation on the ground. Amazon Fund Donor countries Norway and Germany froze funds, and the United States, to date, has refrained from making a deal with Bolsonaro to fund conservation. In the face of evidence to the contrary, Dombrovskis has stated he believes that Brazil will improve its environmental record in the coming months. Meanwhile, Brazil is not restoring the weakened environmental agencies nor their slashed budgets. It is using the same playbook over the past three years that resulted in repeated record deforestation. Furthermore the threats go beyond passive support for deforestation; Brazil's congress is rushing a suite of bills that will aggravate the situation and potentially *break[ing] the Amazon* by rewarding criminals that profit from activities that result in more deforestation and violence against Indigenous Peoples and traditional communities.⁴

Environmental destruction and human rights violations cannot be ignored. The politics of aspiring autocrats like Bolsonaro in Brazil threaten us all and the EU has to stop being complicit.

One thing is certain: The EU cannot reward Bolsonaro's anti-environmental and anti-people policies with a trade deal. The EU needs to stop the EU-Mercosur agreement once and for all and completely redesign its trade policy to prioritise the protection of people and nature over corporate interests. In addition, the EU must take action to halt the destruction of forests and ecosystems at global level. For this purpose, the EU must adopt a strong law⁵ to prevent commodities and derived products linked to deforestation, forest degradation, ecosystem conversion and degradation and the violation of human rights from being placed on the EU common market. The European Commission presented the proposal for an EU regulation on deforestation-free products⁶ in November 2021. Greenpeace designated the proposal as a tentative first step towards protecting the world's forests, but it still has major gaps leaving vital ecosystems in many parts of the world vulnerable.

How we got here

After twenty years of negotiations, the European Commission announced on 28 June 2019, the conclusion of a free trade agreement which was qualified by the EU Commission as an “comprehensive free trade agreement”⁷ with the four founding members of the Southern Common Market (Mercosur) – Argentina, Brazil, Paraguay and Uruguay. The agreement must still go through various ratification processes (in Europe: the EU Council, the European Parliament, and probably the parliaments of the EU member states; in the Mercosur countries: through the national parliaments) before it comes into force.

There is disagreement among EU member states about the trade agreement. Some countries have criticised the terms of the agreement and its likely consequences. In Austria, for example, there is a parliamentary resolution⁸ from 2019 obliging the government to vote against the trade agreement in the Council to avoid conclusion of the agreement.

On the other side are countries that are pushing for the conclusion of the trade agreement, disregarding the enormous environmental consequences for the minimal economic benefit that will only reach the elite few.⁹ Germany, at least under the Merkel government, was the biggest driving force behind the agreement, and some of its industries would be the biggest beneficiaries, especially the German¹⁰ automotive industry, the chemical and pharmaceutical industry, and the mechanical and electrical engineering industry. A recent trade policy expert analysis predicts that the workers of these industries in France, Germany and Italy will not see any benefit because the free trade agreement is going to continue the vicious circle of growing inequality and deindustrialization.¹¹ In addition, the analysis sees both the EU and Mercosur economies becoming less productive, more unequal and more vulnerable.¹²

The trade agreement is part of a larger EU-Mercosur Association Agreement. Through a leak¹³ Greenpeace made it possible for the public to have access to the negotiation documents in October 2020, which had been kept secret for decades and are still not published officially yet. Analysis of these documents showed that the EU-Mercosur agreement has major flaws in the areas of climate and environmental protection, democracy and transparency. That climate and environmental protections measures cannot be enforced and are just one example of how the EU-Mercosur agreement is part of a trade policy approach from the last century. EU-Mercosur not only does not address the current environmental and social problems and challenges, it worsens them. In the context of the global climate crisis and the dramatic loss of biodiversity, this is a failure that cannot be justified.

Damage done – “The Bolsonaro Effect” Deforestation

Since Bolsonaro

took office, ...

... rate of deforestation

in the Amazon has increased

by more than 75 percent

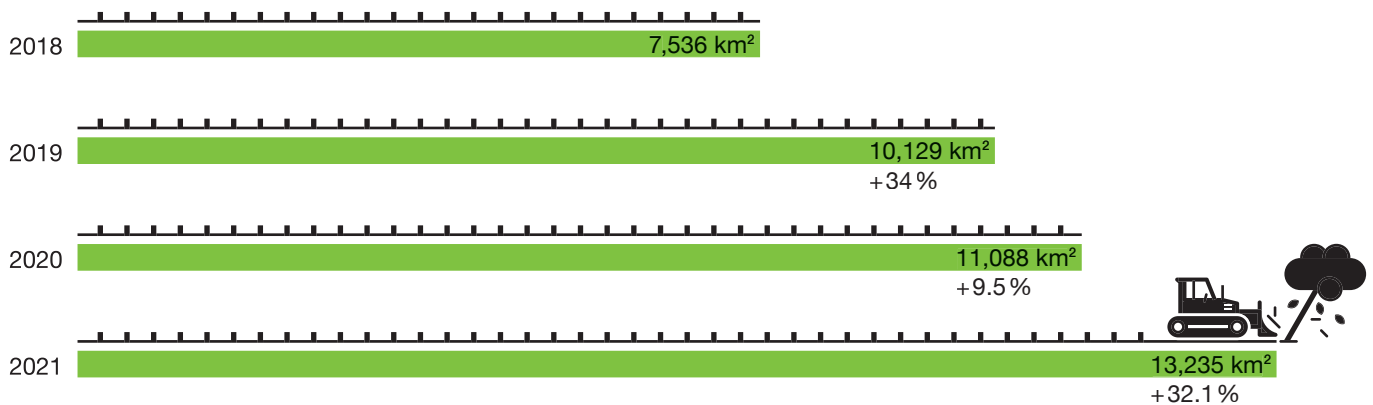


Deforestation is a particular concern in tropical rainforests that are home to much of the world's biodiversity.

When Bolsonaro took office the annual deforestation rate in the Amazon – announced by INPE in November 2018 – was 7,536 km². Three years later INPE announced that between August 2020 and July 2021 13,235 km² were deforested in the Amazon biome, a deforestation rate 75 percent higher than that of 2018. The figures came a week after COP26, but apparently the Brazilian government had delayed the release of the data in order to not undermine its image on the world stage in Glasgow.¹⁴

In 2019, the first year of the Bolsonaro government, deforestation in the Amazon increased by 34 percent over the previous year from 7,536 km² to 10,129 km². In 2020, the figure was even higher, with a further increase of 9.5 percent, representing a loss of another 11,088 km² of forest, the highest amount since 2008. This is after a period of significant deforestation reduction in the Brazilian Amazon between 2004 (27,772 km²) and 2012 (4,571 km²), a reduction of almost 84 percent, in alignment with Brazil's prior commitments in various international agreements.¹⁵

Deforestation in the Amazon



Source: INPE, 2021

**... he replaced effective
measures with sham plans to
combat deforestation**

At the beginning of his administration, Bolsonaro shelved resources, policies, and practices stemming from Brazil's landmark Action Plan for Prevention and Control of Deforestation in the Legal Amazon (PPCDAm)¹⁶. Created in 2003 after a record high in devastation, the PPCDAm played a critical role in the 83 percent drop in deforestation between 2004 and 2012.

Days before the April 2021 Leaders Summit on Climate organized by the Biden administration,¹⁷ Bolsonaro's administration released its own Amazon Plan 2021/2022 consisting of a deforestation reduction target for 2022 that would allow an increase in deforestation by 16 percent compared to the deforestation rates in 2018, the year Bolsonaro was elected. Despite spending years actively undermining the government agencies responsible for enforcing laws against deforestation, Bolsonaro announced that Brazil would end illegal deforestation by 2030. Few took this pledge as sincere and the very next day, Bolsonaro slashed Brazil's environment budget¹⁸ for 2021 by 24 percent.



The Amazon rainforest holds around 16,000 separate tree species that are threatened by deforestation.

Wildfires

Since Bolsonaro
took office, ...
... fire hotspots in Brazilian
biomes have increased
by up to 218 percent

In addition to deforestation increases, fires lit to clear vegetation have also increased the destruction of Brazilian biomes. Triannual data released by INPE¹⁹ show that the average number of fire hotspots between 2019 and 2021²⁰ have increased in all Brazilian biomes compared to the previous three years. For the Amazon it has to be noted that the summer in the Amazon in 2021 was short and rainy, therefore the fire hotspots were comparatively low. This contributed to an average increase of only 1 percent for the Amazon. The situation in other biomes is much worse: increases of 15 percent in the Cerrado, 218 percent in the Pantanal, 22 percent in the Atlantic Forest, 29 percent in the Caatinga and 43 percent in the Pampa. These fires are lit illegally with impunity despite seasonal bans on burning.



In the Pantanal the most disastrous fires ever occurred.

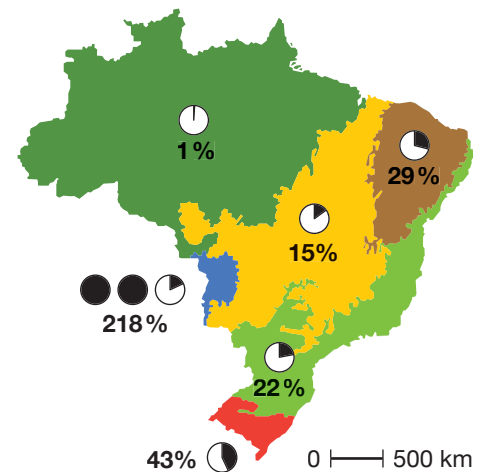
“Now, Leonardo DiCaprio is a nice guy, isn’t he?
Giving money to set fire to the Amazon.”

Jair Bolsonaro in November 2019²¹

Compared to 2017/2018, wildfires increased dramatically in 2019/2020 and caused destruction of important biomes

- Amazon Rainforest
- Caatinga
- Cerrado
- Atlantic Rainforest
- Pampa
- Pantanal

Source: INPE, 2021



Bolsonaro has shamelessly lied about the causes of the record fires burning the wetlands, rainforest, and savannah in Brazil. When he is not blaming NGOs or Indigenous Peoples, he claims that the fires are occurring naturally as a result of climate change in order to cover up the fact that they are lit deliberately by landholders who understand that he won’t enforce the laws against fires nor illegal deforestation.

“Our forest is humid and does not allow fire to spread inside.”

Jair Bolsonaro in September 2020²²

A World Bank study found that while Indigenous Peoples only account for 5 percent of the global population, they protect 80 percent of the world's biodiversity.²³ In 2019, the World Biodiversity Council (IPBES) found that natural ecosystems decline less in Indigenous territories than in other areas.²⁴ According to the data, large landholders, as well as multinationals, are responsible for overall deforestation in the Amazon.²⁵

The key drivers of deforestation in the Brazilian Amazon remain cattle ranching and monoculture plantations for agricultural commodities.²⁶ In the Amazon it is reaching 56 percent in 2020 whereas agriculture is generally responsible 40 percent of deforestation.²⁷ Deforestation usually precedes fires that are used to clear the remaining vegetation.

While the climate crisis is intensifying droughts and temperatures also in the Pantanal, official Brazilian sources state that humans are responsible for up to 98 percent of the fires in the Pantanal.²⁸

In the Amazon, fires are predominantly caused by human activity. In an ecosystem as humid as the Amazon rainforest, naturally occurring fires such as lightning, is extremely rare. It is estimated to occur only every 500 years.²⁹

“Our Pantanal, with an area larger than many European countries, as well as California, suffers from the same problems. The big fires are inevitable consequences of the high local temperature, added to the accumulation of decomposing organic mass.”

Jair Bolsonaro in September 2020³⁰

“In addition to wildfires, there are the criminal fires and those that occur naturally, especially in the Amazon summer, given the drier climate and vegetation.”

Vice-president Hamilton Mourão in August 2020³¹

Climate

Since Bolsonaro
took office,...
... greenhouse gas
emissions in Brazil have
increased by 9.5 percent

Data collected by the Greenhouse Gas Emissions and Removals Estimating System (SEEG), a project developed by the Climate Observatory, a network of over 50 non-governmental organizations in Brazil, show that greenhouse gas emissions increased by 9.5 percent since Bolsonaro took office. The data show that the highest greenhouse gas emissions were due to land use change which corresponds to the increase of deforestation, especially in the Amazon. In 2020, 2.16 billion tons were released against 1.97 billion in 2019, it is the highest amount of emission since 2006.^{32 33}



Land use change, livestock production and agriculture cause high emissions in Brazil.

...climate treaties have been violated

In 2020, Brazil's update of its Nationally Determined Contribution (NDC)³⁴ violated the terms of the Paris Agreement by reducing the ambition of the country's pledge, which resulted in a lawsuit against Bolsonaro's government filed by young activists³⁵ and former Brazilian environmental ministers. During COP 26, Brazil announced new goals for its NDC by reducing emissions by 43 percent to 50 percent until 2030 and carbon neutrality by 2050 instead of 2060.

Although the new goals seem more ambitious than the previous one, the government did not clarify what is the new baseline for calculating this adjustment in its NDC. Analysis by Brazilian NGO, Climate Observatory³⁶ concluded that Brazil's new NDC goal, under a best case scenario, is equal to a reduction promised under Dilma Rousseff's government in 2015.

Under Brazil's new NDC, it creates new rules for emissions calculations that allow the Brazilian president to exaggerate the amount of avoided emissions. Although the headlines for the NDC appeared to be incrementally more ambitious, these new loopholes allow for the appearance of progress while emissions remain high.

...greenwashing has been going on at COP26.

While Brazilian government signed a deal at COP 26 to reduce by 30 percent the emission of Methane by 2030, leaked documents³⁷ only a few days before the Conference revealed that Brazil lobbied the 2021 IPCC report in order to remove findings about the climate benefits of promoting 'plant-based' diets and of curbing meat and dairy consumption.

Indigenous and human rights

Indigenous Peoples – Bolsonaro takes aim at Forest Guardians

Contribution from Fernanda Bortolotto, international advisor with APIB (Brazil's Indigenous People Articulation)³⁸

Since before being elected president, Bolsonaro already disseminated racist statements against our peoples and declared that his government would not demarcate any more centimeters of Indigenous land. What we once thought was limited to hateful rhetoric, which was already terrible, today has become public policy. The Brazilian State acts as the main enemy of Indigenous Peoples, allying itself with the interests of those who want to see us killed or removed from our lands, in order to transform them into a source of profit and destruction. What we report below are not isolated acts: The attacks and threats against our lives are part of a complex and articulated State policy, openly anti-Indigenous, ecocidal, and genocidal.

With the COVID-19 pandemic, the disregard for the lives of Indigenous Peoples under the Bolsonaro government is even more evident. More than a thousand Indigenous People have had their lives taken by the virus, and the government has not taken responsibility for implementing urgent actions to contain COVID-19 among Indigenous communities. There is an alarming dismantling of the institutions responsible for Indigenous policies, including SESAI (Special Secretariat for Indigenous Health). Even today, with the ongoing vaccination, the size of the neglect of our peoples by this government is revealed: Less than 1 percent of the budget allocated for the prevention of COVID-19 was executed by the National Indian Foundation (FUNAI). And, in the opposite direction of what the scientific studies point out, however, the Federal Government had used our communities as deposits for hydroxychloroquine, a drug ineffective in combating the virus.

FUNAI, the main government agency responsible for protecting the Indigenous Lands and implementing Indigenous policy, has had totally controversial actions in relation to its attributions. Its current president, Marcelo Augusto Xavier da Silva, published, on 22 April 2020, Normative Instruction No. 09, a rule in which he authorizes the issuing of private property titles on Indigenous Lands pending demarcation. Xavier da Silva has served as an advisor to the agribusiness caucus in the National Congress. In May 2021, Indigenous leader Sônia Guajajara, Executive Coordinator of the Association of Indigenous Peoples of Brazil (APIB), and Indigenous leader Almir Suruí faced government retaliation for criticizing Bolsonaro and his cabinet over the continued mismanagement of COVID-19 and existential threats

to their lives. Surprisingly, the summoning of these indigenous leaders by the Federal Police was motivated by FUNAI's own request.

The attacks against the Yanomami and Mundurucu Peoples intensified in the last months of 2021, yet no intervention was made by the Brazilian government. The Mundurucu Indigenous land, which is awaiting demarcation, suffers from an ostensible increase in violations by gold miners and loggers, encouraged by President Jair Bolsonaro. On 25 March 2021, the Mundurucu Women's Association Wakoborun, in the municipality of Jacareacanga, Pará, was the target of an attack perpetrated by miners and their allies, having its headquarters depredated and set on fire.

In the Yanomami Indigenous Land, there are around 20,000 illegal miners who have invaded the territory. The miners' attacks have become increasingly violent. On 11 May, the miners opened fire with automatic weapons against the Yanomami community, and Indigenous leaders report that two children, aged 1 and 5, lost their lives due to the attack. The Inter-American Commission on Human Rights and the South American Regional Office of the United Nations High Commissioner for Human Rights expressed their grave concern over the acts of violence affecting the Yanomami and Mundurucu Indigenous Peoples in Brazil. In this regard, they urge the State to fulfill its duty to protect the lives, personal integrity, territories and natural resources of these peoples.

The Federal Supreme Court, as the institution that oversees compliance with our Constitution, is deliberating on the most controversial issue involving Indigenous Peoples: the "Marco Temporal Timeframe" thesis. This debate is taking place in the records of Extraordinary Appeal (RE) No. 1.017.365, which involves the Xokleng, Kaingang, and Guarani peoples of the Xokleng La Klaño IT, in the state of Santa Catarina. At stake in this trial is the debate over the Indigenato thesis (Congenital-Origin Right) and the Fato Indígena thesis (Temporal Framework), which the bench insists on enshrining, arguing that Indigenous Peoples would only have the right to their lands if they had physical possession of them on 5 October, 1988, the date of the promulgation of our Constitution. Any victory of these arguments will imply the annulment of demarcation procedures and an increase in conflicts and acts of violence against Indigenous Peoples and communities, in addition to various illicit acts such as mining, deforestation, and land grabbing, encouraged even by the current government. This case and its precedent, which may define the future of Brazil's

Indigenous Peoples all over Brazil, was taken up by the Court in August 2021, and a decision is still pending.

Lawsuits have been filed by Indigenous Peoples to hold the Bolsonaro government responsible for the mismanagement of the pandemic and the genocide of ethnic groups.

Ação de Descumprimento de Preceito Fundamental 709: Filed before the STF by Articulação dos Povos Indígenas do Brasil (APIB) in July 2020, together with six other political parties (PSB, REDE, PSOL, PT, PDT and PC do B), determined the federal government to adopt measures to contain the advance of the pandemic in Indigenous territories. This action is the Indigenous Peoples' cry for help in the judiciary. In summary, the Indigenous organization invokes the sacred right to exist, not to be exterminated, and seeks measures to prevent the genocide and ethnocide of the Indigenous Peoples of Brazil.

Appeal to the UN Human Rights Council and the IACHR: On 7 July 2021, APIB, together with Coiab, the Arns Commission, ISA and Conectas Human Rights filed representations with the United Nations and the Inter-American Commission on Human Rights, demanding urgent measures to stop the approval of PL 490.

On the international day of Indigenous Peoples, 9 August 2021, APIB, through its legal arm, filed a complaint against Bolsonaro at the International Criminal Court (ICC), for crimes of genocide committed against our peoples. The document details the entire timeline of actions and omissions of the Federal Government, under Bolsonaro, that result in the increase of violence in our territories, including the assassination of leaders and the death of more than 1,000 Indigenous People victims of COVID-19 (August 2021).

► On May 2021, Indigenous leader Sonia Guajajara, executive coordinator of the Association of Indigenous Peoples of Brazil (APIB) and Indigenous leader Almir Suruí, face retaliation from the government for criticizing Bolsonaro³⁹ and his cabinet over the ongoing mismanagement of COVID-19 and the existential threats to their lives. Surprisingly, this summons was prompted by the request of FUNAI, the Brazilian agency responsible for Indigenous Affairs which should be protecting the rights of Indigenous People and not Brazil court suspends probe into Indigenous leader who criticized Bolsonaro⁴⁰ persecuting them.

► Attacks against the Yanomami and Mundurucu have escalated in the last few months of 2021 and yet no intervention has been made by the Brazilian government. In Yanomami territory, there are around 20,000 illegal gold miners who have invaded the territory. The attacks by miners have become increasingly violent. On 11 May, gold miners opened fire⁴¹ with automatic weapons against the Yanomami community and Indigenous leaders stated that two children, aged 1 and 5, lost their lives due to the attack. The Inter-American Commission on Human Rights and the South American Regional Office of the United Nations High Commissioner expressed their grave concern⁴² over the acts of violence that have affected the Yanomami and Mundurucu Indigenous Peoples in Brazil. In this sense, they urge Brazil to fulfill its duty to protect the lives, personal integrity, territories and natural resources of these peoples.

These are not isolated cases. Brazil's criminalization of land defenders and of human rights defenders of people including Indigenous Peoples remain vulnerable to attacks on their rights and even their lives.

► On 19 June 2019 Bolsonaro said that "I'm not going to sign any new Indigenous reserves in Brazil" speaking to journalists in Guaratinguetá city⁴³ effectively further delaying hundreds of petitions from Indigenous Peoples to restore land rights.

Lawsuits filed by Indigenous Peoples to hold the Bolsonaro government accountable for the mismanagement of the pandemic and for the genocide of ethnic groups.

► Brazilian Indigenous leaders have requested the International Criminal Court (ICC) to investigate Bolsonaro⁴⁴ for ‘crimes against humanity’, accusing him of unprecedented environmental damage, killings, and persecution. Chief Raoni Metuktire, the leader of the Kayapo people, and Chief Almir Narayamoga Surui, leader of the Paiter Surui tribe, filed the claim at the Hague-based body on 22 January 2021.

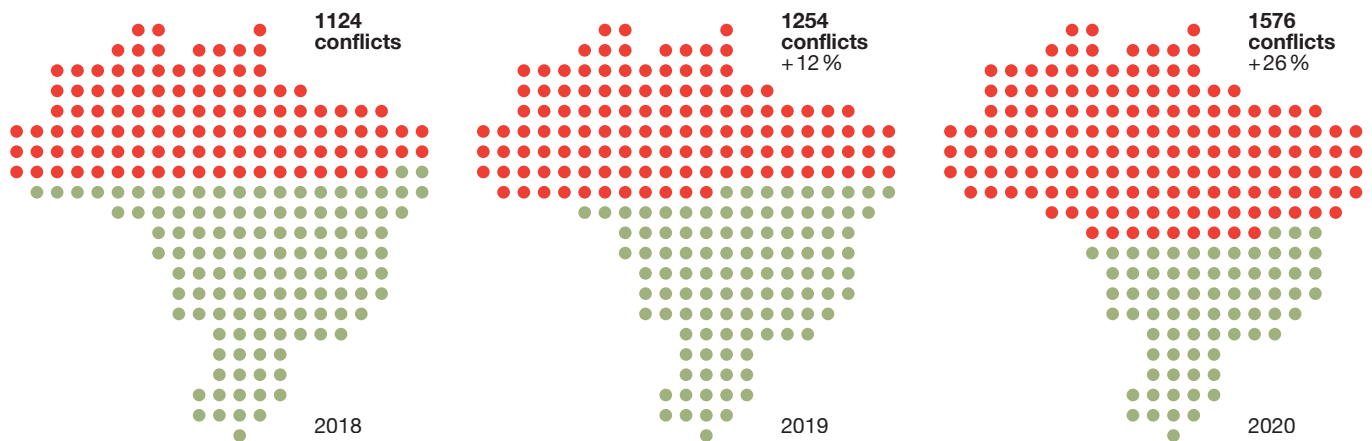
► The lawsuit ADPF 709⁴⁵, filed by the Articulation of Indigenous Peoples of Brazil (APIB), Fundamental Rights Clinic and six parties in the Supreme Court is a request to hold accountable the federal government’s failure to fight the pandemic and demand measures regarding the risk of genocide in different ethnicities.

Since Bolsonaro
took office, ...
... the numbers of land
conflicts increased
by more than 40 percent

Data collected by the Pastoral Land Commission (CPT)⁴⁶ show that the first two years of the Bolsonaro government was also marked by an increase in the number of land conflicts and deaths of those people defending their land. Land conflicts increased from 1,124 in 2018 to 1,254 in 2019, an increase of almost 12 percent.⁴⁷

In 2020 the numbers were higher by almost 26 percent. Within 1,576 land disputes, the highest number since 1985, 656 involved Indigenous Peoples.⁴⁸

Land conflicts



Source: Comissão pastoral da terra, 2021

Indigenous Peoples' lands and environmental and human rights defenders are increasingly under threat

Rural conflicts resulted in the death of 32 people in 2019⁴⁹, including landless workers, Indigenous Peoples, and environmentalists. Out of these 32 people, nine were Indigenous People, the highest number in the last 11 years. One of them was Paulo Paulino Guajarara, an Indigenous member of the Guardians of the Forest⁵⁰ who fought to protect the Amazon from loggers.

Out of the 18 murders recorded by the Pastoral Land Commission in 2020⁵¹ in connection to land conflicts in Brazil⁵², seven were Indigenous. In addition to the deaths by murder recorded in 2020, there were also 35 people who were victims of attempted murder, 12 of whom were Indigenous, and 159 people threatened with death, 25 of whom were Indigenous.

According to a report published by Reporter Brasil⁵³, more than a year after 32 people were murdered in 2019, 61 percent of the investigations into these crimes were not concluded, and there were no convictions. Only one case was closed, that of an Indigenous man who was presumed dead by drowning, although his family contested that there were injuries on his body.⁵⁴



Defending land and the forest is a cause of murder in the Amazon forest.

**... forest criminals
face less law enforcement
and punishment**

Recently exited Environmental Minister Ricardo Salles created a system⁵⁵ where inspectors and lawbreakers met before fines are imposed. As a result, the number of fines imposed reached all time lows.⁵⁶ At the same time Indigenous People reported that their complaints about land invasions and deforestation are not being heard by the relevant authorities.⁵⁷

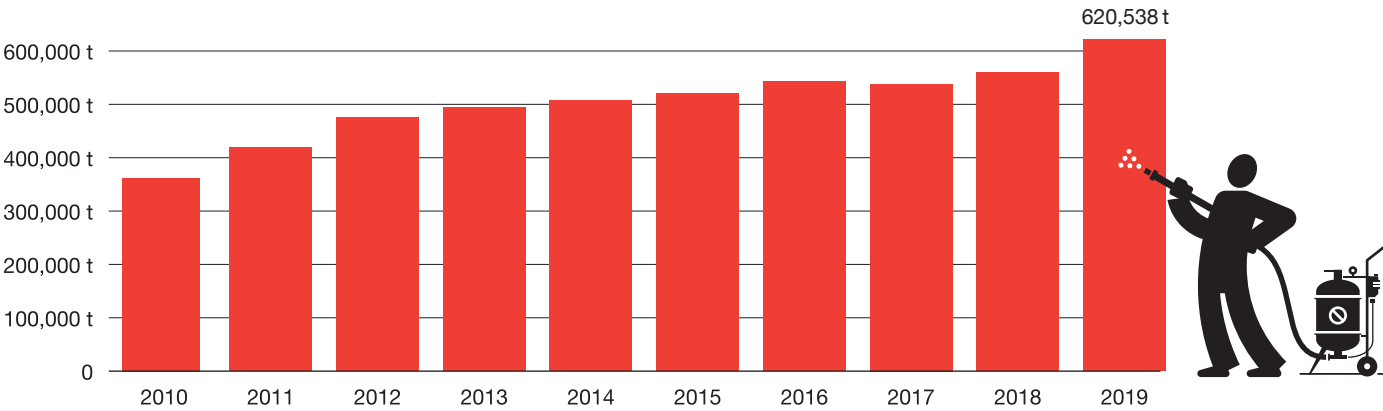
Pesticides

Since Bolsonaro
took office, ...
...the amount of pesticides
used per year
exceeded 600,000 tons
for the first time



The use of pesticides is increasing in agricultural practices in Brazil.

Use of Pesticidies in Brazil (2010 – 2019)

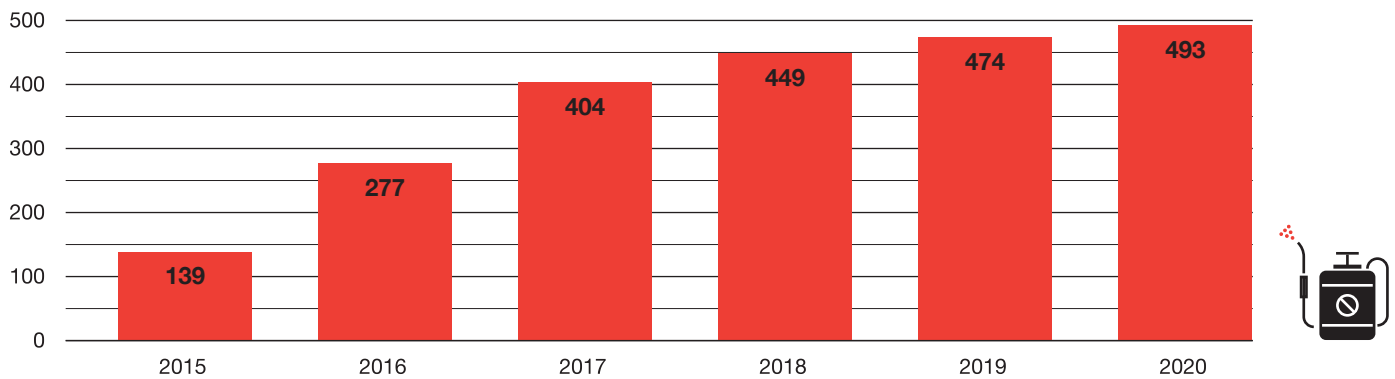


Source: Instituto de Estudos Socioeconômicos, 2021

**... almost 1,500 new pesticides
have been approved for use**

According to an updated study⁵⁸ conducted by Brazilian researcher Larissa Bombardi, Bolsonaro's government has set records for the approval of pesticides in its first two years in office. In 2019, 474 pesticides (commercial products) were newly approved, and in 2020 reached 493 (see figure below). Among the pesticides approved and used in Brazil, a high number contains at least one of 37 active substances that are not permitted for use in the EU, and have high toxicity levels that are dangerous to human health and the environment.⁵⁹ For example, the herbicide atrazine, which has been banned in the EU since 2004,⁶⁰ can be found in more than 70 commercial products in Brazil today.⁶¹

Annual approval of new pesticides (commercial products)



Source: Larissa Mies Bombardi, 2021



Toxic relations: Greenpeace published two pesticide tests of fruit exported from Brazil to Austria⁶² and Germany⁶³. The tests revealed active substances which are not authorised in the EU as residue on fruit sold on the EU market.

Finance and Politics

Since Bolsonaro took office, ...
... money for environmental agencies was reduced to a third of 2010 levels

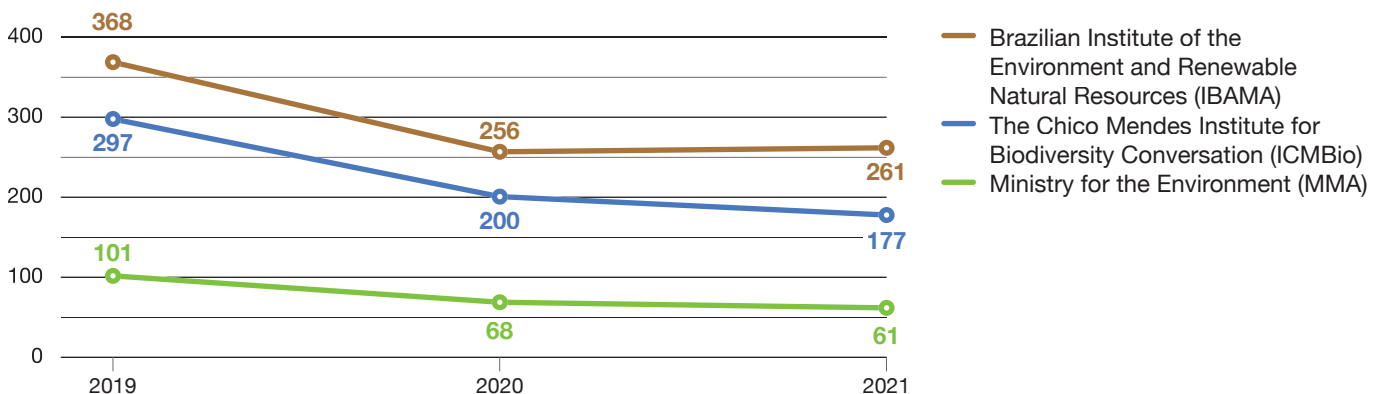
Since Bolsonaro took office in 2019, the budgets of the environmental agencies have been slashed. IBAMA's budget was reduced 30.4 percent between 2019 and 2020 and ICMBio's budget was cut 32.7 percent for the same period. For 2021, the whole budget for the Ministry of Environment is R\$2.4 billion, the lowest since 2010.⁶⁴

“We need to make an effort while we are in this calm moment in terms of press coverage, because they are only talking about COVID, in order to push through and change all the rules and simplify norms.”

Ricardo Salles, Then-Minister for the environment, April 2020⁶⁵

Budget of Environmental Institutions

in million Reais



Source: Instituto de Estudos Socioeconômicos, 2021

Budget for environmental agencies proposed by the Brazilian government.

For 2022, the forecast budget exclusively for fiscalization by environmental agencies has improved, from R\$ 135 million in 2021 to R\$ 328 million in 2022, as a result of the government's political weariness in the mis-conduct of the environmental policy. However, analyzes show⁶⁶ that the execution of the budgets allocated has been problematic, where 79 percent of the resources foreseen in 2020 were in fact executed and 62 percent of the resources foreseen in 2021 were executed. Also, until September 2021, only 22 percent of the budget to combat deforestation and fires by the environmental agencies was expended.⁶⁷

This demonstrates that not only the budget forecast, but also its execution, are relevant factors to assess the real capacity of environmental agencies to perform their functions, and the data point to a non-execution of the environmental policy.



Firefighters of the Guajajara fight to extinguish forest fires.

... staff for environmental protection was drastically reduced

The state environmental institutions have lost almost 10 percent of their employees since January 2019, either because they resigned or were fired. In some high profile cases, enforcement agents were reassigned in retaliation for enforcing regulations. As of 1 January, 2019, the three agencies had a total of 5,794 active staff. As of February 2021, that number declined to 5,216.⁶⁸ These include staff cuts in the Ministry of Environment (MMA), and in the main enforcement agencies: The Brazilian Institute of Environment, Renewable Natural Resources (Ibama), and the Chico Mendes Institute for Biodiversity Conservation (ICMBio). In an open letter from April 2021, Environmental Agency staff denounced Bolsonaro's budget cuts and executive orders that are sabotaging their ability to issue fines and enforce environmental protections.⁶⁹

For 2022, analysis show⁷⁰ that IBAMA will have less than 50 percent of its vacancies fulfilled — 2,169 occupied with more than 2,740 vacant. The same applies to ICMBio, the patrols and inspections planned in 2020 deployed 55 percent of the agency's agents⁷¹.

... international money is expected to come without strings attached

In April 2021, the Joe Biden administration entered into negotiations for several weeks for an environmental agreement with the Bolsonaro government. Such a deal was expected to be announced in the climate summit convened by the US President in April. During the negotiations, Salles, environment minister at the time, offered a reduction of 30 to 40 percent deforestation in the Amazon, but only on the condition⁷² of receiving \$ 1 billion from the US government. Salles stated: "If we have the resources of \$ 1 billion (...) as of 1 May for a period of 12 months, it is possible to have a commitment to reduce deforestation between 30 percent and 40 percent of".⁷³ Bolsonaro, in a letter sent to Joe Biden before the summit, committed to end illegal deforestation by 2030, but also conditioned⁷⁴ this on receiving 'major resources', and that the country needed the support of the international community, the private sector, and civil society to achieve the goal.

Brazilian civil society organizations sent a letter⁷⁵ to the American government warning that this deal would greenwash Bolsonaro's environmental record and legitimize his actions in the international community. To date, Biden has not announced a conservation deal involving payment for conservation performance.

Another example: Amazon Fund Donor countries know that money is not the problem. The Amazon Fund⁷⁶, with almost the entirety of its resources coming from Germany and Norway⁷⁷, has been abandoned and unused by Bolsonaro. Bolsonaro has avoided using the Amazon Fund because the Fund has established comprehensive safeguards informed by scientists, civil society, Indigenous groups, and other stakeholders. Bolsonaro's dismissal of these funds and requests for new streams of funds indicates that he is interested in conservation payments that can be used as a personal slush fund and diverted to whomever he wants. Both Germany and Norway froze their contributions in 2019 due to rising deforestation in the Amazon.⁷⁸

... the minister for the
environment has resigned
over illegal logging

Ricardo Salles is under investigation by the Brazilian Supreme Court due to the criminal complaint from the former chief of Amazon Federal Police, who accused Salles of interfering in investigations into illegal timber exports. After denouncing Salles in the Supreme Court, the Amazon regional head of the Federal Police, Alexandre Saraiva, was removed from his post.⁷⁹

On 23 June 2021, Salles has since resigned⁸⁰ claiming that the ongoing investigations made his situation as minister unsustainable, compromising Brazil's international image. Bolsonaro publicly praised Salles's tenure and replaced Salles with Joaquim Alvaro Pereira Leite who has proved to be an extension of Salles's sabotage of the Ministry of the Environment.



Illegal timber in Brazil from a forest management plan in the courtyard of a conservation unit.

Rule of Law

Since Bolsonaro
took office, ...
... laws that protect Indigenous
rights and the environment
are systematically undermined

As much damage as Bolsonaro has done in office, he and allies in congress are poised to dramatically scale up his agenda's impact. A series of legislative bills⁸¹ are being expedited through Bolsonaro's Congress that will severely dismantle environmental protections across Brazil and further threaten Indigenous People's rights. They are part of a suite of radical anti-Indigenous, anti-environment bills on the agenda of the Brazilian Congress, ordered by President Bolsonaro's executive office and rejected in full by 251 Brazilian civil society organizations⁸² in an open letter to the presidents of the Chamber of Deputies and the Senate, Arthur Lira and Rodrigo Pacheco on 15 March 2021.



Overflight records areas of illegal mining within the Yanomani Indigenous land in Roraima in April 2021.

PL 2159/2021 – the environmental licensing bill (PL 3729/2004) was approved in the Chamber and is under consideration in the Senate under a new number (PL 2159/2021). The bill drastically reduces the requirements for environmental impact assessment, which would exempt a wide range of destructive activities – like paving roads in the Amazon – and authorize the “self licensing” of large scale infrastructure projects. According to a recent analysis by Instituto Socioambiental and Federal University of Minas Gerais⁸³, a single project that would benefit from the exemptions in the bill, is the paving of highway BR-319, in the heart of the rainforest, that would allow 170,000 km² of deforestation by 2050 (an area larger than England), resulting in the release of 8 billion metric tons (four times the annual Brazilian CO₂ gross emissions) of CO₂ emissions. The

legislation tabled in the Senate introduces risks at multiple levels across all critical biomes in Brazil. It also directly contradicts commitments made at COP26, such as the Glasgow Forest Declaration, which calls for halting and reversing forest loss by 2030.

PL 2633/2020 and PL 510/2021 – Both bills reward land grabbing of public lands and promote more deforestation. On 3 August 2021, the chamber of Deputies passed the PL 2633/2020 applying emergency measures, cutting out public input, committee analysis, and made the bill’s text inaccessible until immediately before the vote. In the Senate, both bills are running together. These bills will legalize the land grabbing of medium and large size of rural lands illegally occupied and to legalize lands that were more recently occupied. A third of



Over 850 participants, from 45 Indigenous Peoples, are together in the Stand Up For The Earth camp.

deforestation in the Amazon Rainforest occurs on public lands that have been seized by landgrabbers.⁸⁴ Researchers concluded that these bills will increase land grabbing, violence and deforestation. Several initiatives from lawmakers from EU Parliament and lawmakers from several national parliaments denounced the proposed legislation.⁸⁵ A group of United States Members of Congress, led by now-Secretary of the Interior Debbie Haaland also criticized the bill. Companies have also criticized the bill.⁸⁶

PL 191/2020 – This bill would threaten Indigenous territories by amending the Brazilian Constitution and allow industrial mining and hydroelectric dams. If approved, the project will lead to increased deforestation, invasions of Indigenous lands, and violence against Indigenous People. PL 191/2020 is currently with the President of the Chamber of Deputies, awaiting the creation of a Special Committee or to be considered to be classified as an “urgent” manner in which it would be expedited to a plenary vote.

PL 490/2007 – In June 2021, PL 490 was approved in the Constitution and Justice (CCJ) Commission in the Chamber of Deputies. If approved, it will make demarcation of Indigenous lands infeasible, threaten the territories already demarcated, and deprive Indigenous Peoples of their rights to their lands recognized in the Brazilian Constitution.

Currently there are 1,296 Indigenous lands in Brazil. There are more than 800 Indigenous lands that have not yet been recognized for demarcation by the Brazilian Government – even though some of these lands have filed requests decades ago. Only 401 Indigenous territories are fully demarcated.

The law is one of the most serious threats to Indigenous Peoples in Brazil today. As Indigenous land rights are the most effective form of conservation, the climate and biodiversity emergencies demand more demarcation and respect for Indigenous Peoples’ rights.

After the approval of the CCJ Commission, the PL 490 needs to be approved by the Chamber’s plenary, and after that by the Federal Senate, and then by the president. On 6 July 2021, the Articulation of Indigenous Peoples of Brazil (APIB) sent to the United Nations (UN) an urgent appeal⁸⁷ to demand investigation and immediate measures by the Brazilian authorities about the legally irresponsible procedures, and ultimately to stop the processing of the Bill 490 in Congress National.

Bolsonaro is not a reliable partner for the EU

The Bolsonaro government has a disastrous track record of systematically dismantling environmental and human rights protection. In addition, he and parts of his family are linked to criminal organizations and corruption.⁸⁸ There is no doubt that Bolsonaro cannot be trusted. Yet, the European Commission has politically concluded the EU-Mercosur agreement with Brazil, as a Mercosur member. The EU has signaled to Bolsonaro that his environmental destruction and inhumane policies are not only tolerated by the EU, and Germany as the main driver of the EU-Mercosur deal, but are even rewarded.

Money for nothing

Pablo Ariel Grinspun, Ambassador of Argentina to the EU, speaking on behalf of the Mercosur Presidency in the first half of 2021, made clear during a hearing in the European Parliament⁸⁹ that any additional declaration, any new monitoring, and/or enforcement program would require money for Mercosur countries before they would accept such an addition. Responding to his statement, the European External Action Service (EEAS) offered a cooperation package that would include bilateral contributions of the EU member states to Mercosur countries, together with existing EU contributions. In other words, the EU is willing to give money to the Brazilian government to improve environmental protection and related monitoring programmes; programmes



Protest against Free Trade Agreements in Berlin.

that Bolsonaro has already dismantled while showing no signs of reinstating them or anything similar.

EU remains stuck in the past

With rising concerns around the agreement, EU trade commissioner Valdis Dombrovskis intends to save the deal through an additional declaration with Brazil on environmental protection. Greenpeace, CIDSE and Misereor commissioned a legal opinion to analyze such an addendum.⁹⁰ The authors outline the shortcomings of the human rights and sustainability provisions in the agreement now and found this addendum unhelpful for achieving effective protection and control measures for people, environment and climate. The paper suggests renegotiation is the only remedy. So far, the EU has ruled out this option.

Splitting the trade agreement from the larger Association Agreement is currently another option for the EU Commission to circumvent opposition to the agreement. This splitting of the agreement would mean that the critical trade part could be decided without unanimity in the EU Council. As the legal opinion points out, a splitting is contrary to the original negotiating mandate that the EU Commission received for the pact in the 1990s. Apart from the legal questions, a splitting of the agreement would also weaken the political cooperation part which would only be ratified much later, or never. In addition, it is not unlikely that the Trade and Sustainable Development (TSD) Chapter of the trade agreement – in a split “EU only”-trade agreement – would not include human rights references or the protection of human rights.⁹¹

EU commercial relations with Brazil are already as deep as they could be: It is worth noting that the EU is Brazil’s second-largest trade partner⁹², the second-biggest importer of Brazilian soy⁹³, and a major importer of Brazilian beef⁹⁴. The EU is a strategic and irreplaceable trade partner, even without this deal. The EU-Mercosur free trade agreement would be “more of the same” policy, which would boost the trade of the very agricultural products that are driving forest and ecosystem destruction⁹⁵, and related human rights abuses, without doing anything to address those problems.

In addition to sending a political signal to Bolsonaro that Europe is happy to reward his environmentally destructive and human rights violating statements and policies, this trade deal will exacerbate the climate and biodiversity crisis for decades. It will make the Mercosur countries completely dependent on

extractive industries, unable to diversify to build a resilient economy. This is a deal from the last century that takes us backwards on climate action. Instead of presenting 21st century solutions, it exacerbates our problems with a 20th century approach.

Greenpeace demands change and revision

Greenpeace demands that the EU stops the EU-Mercosur deal once and for all. The EU must overhaul its trade policies completely and finally put people and the planet first, not profits for a few corporations. Furthermore, if the EU is serious about protecting forests and ecosystems as well as human rights, it must ensure its consumption no longer drives environmental destruction and human rights violations.

Instead of promoting the trade in and the consumption of commodities and products that drive deforestation, ecosystem destruction and human rights violations at global level, the EU must adopt a comprehensive set of policies that regulate the placing on the market of these commodities in addition to reducing their consumption, for example of meat. In particular, the EU must adopt a comprehensive and meaningful law⁹⁶ for global forest, ecosystems and human rights protection that will prevent commodities and derived products linked to deforestation, forest degradation, ecosystem conversion and degradation, and the violation of human rights from being placed on the EU internal market. The European Commission presented the proposal for an EU regulation on deforestation-free products⁹⁷ in November 2021. The draft law proposes that companies selling certain products on the EU market have to trace their origin for the first time and prove that they are not linked to the destruction or degradation of forests. Greenpeace designated the proposal as a tentative first step towards protecting the world’s forests, but it still has major gaps. The proposal doesn’t afford protection to ecosystems other than forests, like savannahs and wetlands, or to internationally recognised rights of Indigenous People and local communities. It also controls only a limited number of products, ignoring many with major links to forest and ecosystem destruction – such as pork, poultry, rubber and maize. The proposal also fails to respect international human rights standards and does not mention protection for Indigenous Peoples’ rights and the obligation for operators to obtain their Free, Prior and Informed Consent (FPIC), has no rules for the financial sector, and no redress for affected communities.⁹⁸

As proponents of the EU-Mercosur deal attempt to address Brazil's environmental and human rights record with an associated pledge, EU lawmakers must understand that promises from Brazil on the environment represent a dangerous deception. Much of Brazil's "new" pledges at COP 26 on their own are misleading and problematic and in reality, the Brazilian Congress's radically anti-environmental and anti-Indigenous agenda will break the Amazon and not save it as a safe climate would require.

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