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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[26 May 2021]

* Issued as received, in the language(s) of submission only.



The Brazilian Government's negligence in regulating the use of pesticides threatens the health of indigenous communities

With great concern, Society for Threatened Peoples has been observing the alarming situation of Brazil's Indigenous peoples affected by the large-scale use of pesticides on agricultural areas in the states of Mato Grosso, Mato Grosso do Sul and Pará. Indigenous peoples, quilombolas, small farmers - many live in the immediate vicinity of large areas where pesticide-intensive agricultural products are grown. Planes spraying pesticides literally carry the toxins to the doorsteps of their houses as affected communities often only live meters away from those areas. Land and water are verifiably polluted, not only in rural areas, but also in many Brazilian cities. Long-term health consequences are already incalculable. Agricultural producers who use pesticides do not have transparent information about the hazards of the products they use on a daily basis. Responsibility must lay with state actors to ensure that only safe products are imported.

Within the last two decades, several Brazilian governments have shifted the agricultural economy to monocultures including a high level of pesticide use – among them so-called highly hazardous pesticides (HHPs). Today Brazil is the world's largest importer of pesticides. In recent years, Brazil's governments have continuously deregulated environmental laws. This situation again has worsened since President Jair Bolsonaro took office: as of 26 May 2021, his Minister of Agriculture Tereza Cristina has approved 1,165 new pesticides. The previous government under ex-President Michel Temer had approved 1,200 pesticides within three years. Brazil has established generous tax exemptions for agricultural corporations and is promising legal flexibility through the so-called “poison package”, the controversial draft bill PL 6299 to lift restrictions on pesticides and to leave the approval and testing of pesticides solely to the Ministry of Agriculture.

The German Bayer Group is one of the main beneficiaries of this bill since they have made a big entry into the pesticide business by taking over the US seed manufacturer Monsanto in 2018. Their business follows a logic of double standards: pesticides are amongst others produced in Germany, while some of them are being banned in the European Union. They are exported to third countries such as Brazil where they are mainly used in the cultivation of soy, corn, sugar and cotton - all export products that go back to reach European markets again.

Indigenous peoples are particularly affected by the agribusiness in several ways. With steadily growing demand, agricultural areas grow and with them conflicts over indigenous territories. In many cases, their land titles maintain unresolved as it is always subject of long-term proceedings. In consequence, indigenous peoples are displaced from their territories. They mostly live in close proximity to agricultural areas, often only meters away where planes spray pesticides. Moreover, mostly airplanes spray pesticides over fields. The imprecise use can lead to pesticides being sprayed far beyond the agricultural areas and dispersed incalculably far due to the wind and.

The indigenous Xavante have recaptured their area of Marãiwatsédé in the northeast of the state of Mato Grosso. They fought for it for many years after having been evicted in the 1950s. It was only three years after the official recognition in 2010 that all former users and owners were expelled. For years, they had grown soy, corn and rice in the Xavante territory. A 2013 study found that these crops had released pesticides into the Xavante's water sources: Poison containers were left behind and had a high probability to contaminate surrounding waters. The approximately 960 Xavante drank this water. They subsequently suffered from diarrhea and nausea. Four children are believed to have died after consuming the water. Samples were taken at various locations and permethrin was found. This chemical can cause eye and skin irritation and is potentially carcinogenic, damages nerves, affects hormonal processes, and can affect fertility and children's development. Permethrin has moderate persistence in the soil. It is toxic to aquatic insects and extremely toxic to bees.

In order to protect the health of indigenous communities Society for Threatened Peoples calls upon the members of the United Nations Human Rights Council to urge the government of Brazil to:

- Ban the use of highly hazardous pesticides and ensure decision-making regarding hazardous substances follows the evidence and principles of international law such as prevention and precaution;
 - Implement effective laws to prevent companies such as Bayer from applying double legal standards within a supply chain and increase standards of environmental protection to equal or greater than all trading partners;
 - Monitor water pollution in affected areas with a high level of agricultural activities in order to take immediate protective measures to assure the safety and well-being of affected indigenous communities;
 - Implement the principles on protection of workers from exposure to toxic substances as encouraged by the Human Rights Council and former Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and waste, Mr. Baskut Tuncak.
 - Respect all Indigenous peoples' rights stated in Brazil's constitution, the Indigenous and Tribal Peoples Convention (No. 169) ratified by Brazil in 2002 and the UN Declaration on the Rights of Indigenous Peoples, adopted by the UN General Assembly in 2007 with the vote of Brazil.
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