

# OPEN LETTER OF RECOMMENDATIONS AND POSITION OF THE BRAZILIAN CIVIL SOCIETY FOR THE

## 15<sup>TH</sup> UNITED NATIONS BIODIVERSITY CONFERENCE OF THE PARTIES TO THE UN CONVENTION ON BIOLOGICAL DIVERSITY AND ITS PROTOCOLS (COP 15)

In the last seven years, we have experienced an escalation of violence, death, and suppression of traditional peoples and nature. The last four years have been the most tragic in Brazilian history, culminating in social, political, economic, health, and ecological crises that have affected especially the most impoverished. We have actively fought against the setbacks, trying to curb the “cattle herd” that has devastated Brazilian socio-biodiversity. There were hundreds of acts that relaxed environmental norms, dismantled environmental inspection and control agencies, and caused record-breaking rates of forest burning, privatization of Conservation Units, persecution of human rights organizations and social movements, and attacks against and exoneration of public servants, among others. As a result, we had an increase in socio-environmental and agrarian conflicts and murders of environmental leaders and activists, such as Bruno Pereira and Dom Phillips.

This scenario of destruction, however, was rejected by the majority of Brazilians. Luiz Inácio Lula da Silva was elected president of the Republic, even in a context characterized by countless episodes of fabrication of fake news, use of the machinery of government, and vote buying. Democracy and the active position of social movements have won.

This new chapter allows us to look at the future of the country with hope. But in order to rebuild, we need ur-

gent measures to combat hunger and poverty and defend socio-biodiversity. It is necessary to guarantee the rights of Indigenous peoples, traditional communities, peasants, and family farmers, especially to land, territory, and the seas. Brazil must take the lead again – as a megadiverse country – in fostering initiatives that promote biological diversity, traditional agricultural systems, and the use and management of these resources in association with the knowledge and culture of Indigenous peoples, traditional peoples and communities, and family farmers. This resumption must move away from the privatization of common goods and the initiatives of green capitalism and financialization of nature, since they only accumulate capital and exclude the peoples from the forests, the waters, and the countryside.

Considering that civil society should actively participate in this reconstruction, we, **men and women, peasants, family farmers, Indigenous peoples, traditional peoples and communities, quilombo-la communities, popular scientists, social movements, trade unions, and urban collectives**, aware of the themes that will be under discussion at COP 15, come, through this open letter: **a)** to denounce policies and processes underway in Brazil that affect our territories and biodiversity; and **b)** to express our position and our recommendations, in the hope of a more socially and environmentally fair country.



# DEFORESTATION, PRIVATIZATION OF PARKS AND CONSERVATION UNITS: REBUILDING THE INSPECTION AND CONTROL BODIES AND END OF THE AMNESTY FOR DEFORESTERS (GLOBAL FRAMEWORK AFTER 2020)

We are experiencing the implementation of anti-democratic and fascist measures that encourage the invasion of Indigenous and traditional peoples' lands, the conversion of forests into monocultures for exportation, and other legislative proposals, known in Brazil as the "environmental destruction package." These measures, as they expand at the expense of subsidies, tax exemptions, debt forgiveness, and other elements of attractiveness that hide externalities

and distort market conditions, are responsible for the decline in the food supply, food insecurity, and the tendencies of civilizational collapse that already account for more than 33 million hungry people and promote the emergence of new pandemic zoonoses. We consider the peoples as inseparable and integral parts of biodiversity. Urgent measures that protect and foster peoples' autonomy are fundamental for the conservation of nature.

## **We propose:**

- a) effective action for zero deforestation of Brazilian biomes;
- b) the repeal of Law No. 13,465/2017, the so-called "Land Grabbing Law", which facilitates the appropriation of public lands by grileiros (deed-falsifiers) and the (re)concentration of lands intended for agrarian reform through individual titling;
- c) the reevaluation of the strategy for reducing environmental protection areas in order to increase the protected territory;
- d) the repeal of the "Adopt a Park" program and the state programs that transfer the State's responsibility for financing and managing Conservation Units to the private sector;
- e) the cancellation of IBAMA's amnesties to deforesters and environmental polluters, which total almost 16 billion Reais (BRL), and the resumption or creation of funds for biomes, including the fomentation of agroforestry systems;
- f) the implementation of the policy for restoring springs, recharge areas, and riparian forests with agroforestry systems, starting with programs to foment native and creole nurseries and seedlings together with Indigenous peoples, traditional peoples and communities, and family farmers;
- g) the resumption and revision of the process of monitoring fires;
- h) the creation of mechanisms for effective social participation and shared management that go beyond simple prior consultation, guaranteeing the protagonism of local groups and traditional communities in a transversal manner in conservation.
- i) accelerating the demarcation of Indigenous lands and the allocation of lands for agrarian reform since traditional peoples and local economies are the ones that guarantee the highest rates of territory and biodiversity preservation.
- j) the linking of these propositions to the draft of the new global framework.

## POST-2020 GLOBAL FRAMEWORK FOR BIODIVERSITY: RESPECT FOR PEOPLES AND MEETING THE TARGETS

One of the most important themes of COP15 is the elaboration and possible approval of a new global framework for biodiversity conservation, updating the Aichi Targets that, in general, failed and were not put into

practice. According to the report of the 4th Meeting of the Working Group on the Post-2020 Global Biodiversity Framework (document CBD/WG2020/4/4), urgent policy measures are required at the global, national,

and regional levels to transform economic, social, and financial models so that the tendencies that have led to the loss of biological diversity are stabilized within the next ten years, i.e. by 2030. The draft also sets a goal for 2050: the recovery of natural ecosystems to a level at which it is possible to live in “harmony with nature.” The first major goal of the document is to improve the integrity of ecosystems. The second goal highlights sustainable development, meaning that all the world’s productivity must be linked to sustainable management and approach. It also demands the strengthening of nature’s environmental services and the number and size of green spaces in urban areas. Finally, another major goal is to increase the capacity to

share the benefits of the economic use of biodiversity. Despite its historical importance, the post-2020 Global Biodiversity Framework (Annex I – CBD/WG2020/4/4), highlights the biological and ecological aspects of diversity but does not value the cultural dimensions of the Indigenous peoples and local (traditional) communities that manage, enhance, and conserve it. Thus, the draft of the new framework fails to create goals and objectives that effectively recognize the social, political, and historical importance of traditional peoples and communities. The goals of the Global Framework should, above all, reach directly the territories, supporting their protection together with the peoples who live there.

***We propose:***

- a) the adoption of urgent and effective targets to protect and conserve 50% of lands and oceans by 2030 in alignment with climate science and the science and knowledge of Indigenous and traditional peoples;*
- b) the effective incentive for agroecological transition and the promotion of areas of extraction of sociobiodiversity products by the people and not by capital;*
- c) the demarcation, titling, and regularization of all the lands and territories of Indigenous peoples, and traditional peoples and communities;*
- e) the guarantee of a better mechanism for technology transfer, with a focus on social inclusion;*
- f) the express indication of the financing processes of the new global framework.*

## NO MINING PROMOTES SUSTAINABILITY: THE PREDATORY ADVANCE OVER INDIGENOUS TERRITORIES AND BODIES

The economy has been increasingly greedy. In the mining and illegal mining sectors, these unbridled ambitions have been relentless in the search for natural resources to be converted into material goods. The crimes of Mariana and Brumadinho, in Minas Gerais, demonstrate the capitalist exploitation of life by large corporations such as Vale, just as illegal mining has devastated states like Roraima and Pará, to name a few. This conduct of unbridled accumulation has made possible actions that escape planning, fail to respect the legislation, and put the environment at risk, threatening the quality of local life, especially in the future. There is a latent concern from Indigenous peoples, traditional peoples, and communities regarding the violations practiced against all biodiversity. The relationship of these so-

cial segments with natural assets goes beyond food and medicinal management. The rich biodiversity that is present in the environment is the extension of the homes of these local communities, as well as a strongly practiced spiritual relationship. We reaffirm that water and life are worth more than metals!

Brazil’s current president Jair Messias Bolsonaro is seeking the approval of draft bill No. 191/20, which seeks the exploitation of natural, water, and organic resources on Indigenous lands. This draft bill has encouraged the illegal advance of mining in territories with Indigenous presence, and traditional peoples and communities, with no concern for the lives of people and the environment in which they live.

**We propose:**

- a) the non-approval of Draft Bill 191/20 which authorizes the exploitation of mineral, water, and organic resources in Indigenous reserves;
- b) an effective and swift policy of collective demarcation and titling of traditional territories for the territorial protection of Indigenous peoples and traditional communities;
- c) the implementation of free, prior, and informed consultation, respecting the communities' processes, safeguarding and recognizing their right to say "no" to all the enterprises and decisions that affect traditional territories, as guaranteed by Convention 169 of the International Labor Organization.
- d) the financing for reforestation projects in areas degraded by mining and for riparian forests in degraded watersheds, respecting and rescuing their local biodiversity.

## RECORD-BREAKING RELEASE OF PESTICIDES AND TRANSGENICS: VIOLATION OF THE PRECAUTIONARY PRINCIPLE (CARTAGENA PROTOCOL)

Between 2018 and 2022, in the absence of any new agricultural problem, Brazil authorized the use of 1,961 new pesticides, considering active ingredients and products formulated in different combinations. Most of these poisons, due to the advancement of knowledge about their impacts on human and environmental health, do not have authorization for use or have been banned in the countries of the Global North. This fact, associated with the reduction of their prices, explains the displacement of that toxic waste to territories captured by transnational interests, violating human rights. Among the most relevant implications of this inequity are the identification of contamination of drinking water, the mortality of pollinators and other insects of recognized importance for ecosystem services, the change in the criteria defining hazards and risks, and the flexibilization in assessment methodologies.

We are experiencing legislative setbacks that destroy the protective provisions included in the pesticide

and biosafety laws, which authorize tank mixtures in sprayers, generating applications of toxic cocktails unknown to public bodies and agencies.

There is also the dispensation of risk analysis for GMOs that combine genetic alterations approved in past decades, based on artificialities applied in order to distort the results of the studies. There is a disregard for scientific references and the concealment of statistical results that contradict the assumptions of harmlessness and international agreements such as the Cartagena Protocol, making room for unknown and irreversible damage.

Effects of the green revolution have also impacted animal husbandry systems, with a loss of diversity and increased animal resistance to antibiotics. It is women who are most affected by chemical and genetic contamination, as well as those who are on the front lines as guardians of agro-socio-biodiversity.

**We propose**

- a) the prohibition of trade and commercialization, to third world countries, of pesticides without authorized use in their countries of origin, as well as the suspension of the acquisition of agricultural products originating from countries that adopt practices compromising fundamental human rights, which must be identified through analysis of the contamination of waters, organic metabolisms, and ecosystems;
- b) international support and market pressures to suspend legislative practices that threaten human rights, and proposals that defraud the precautionary principle;
- c) the approval of legal frameworks for territories free of pesticides, transgenics, and other biotechnologies,

*in defense of creole seeds, the approval of the National Policy for the Reduction of Pesticides (Draft Bill No. 6,670/2016), and the termination of the “Poison Package” (Draft Bill 1,559/2022) that aims to facilitate the registration and use of the most dangerous pesticides in the country;*

*d) the suspension of the effects of the decision of the National Technical Commission for Biosafety (Comissão Técnica Nacional de Biossegurança – CTNBio, in Portuguese) that authorized the import and consumption in Brazil of transgenic wheat produced in Argentina, as well as the processes aimed at the commercial authorization for planting the modified cereal in Brazilian territory;*

*e) The recognition of the inadequacy of the 100-meter distance between native and transgenic corn seed plantings (RN 04/07 - CTNBio), in order to halt the contamination of the genetic heritage of native corn and the loss of the associated traditional knowledge;*

*f) the implementation of an effective policy for the permanent and intersectoral inspection of the pesticide-producing manufacturing units, as well as the consumer units, guaranteeing special attention to the labor, socio-environmental, and sanitary dimensions;*

*g) the elimination of tax exemptions for pesticides, ensuring that the tax values collected are destined to the mitigation of socio-environmental and health impacts promoted by the use of pesticides, as well as to foment policies and practices based on agroecology;*

*h) the revision of the parameters for the presence of pesticide residues in water, in the procedure for evaluation and control of drinking water for consumption, expanding the list of analyzed pesticides, and adopting the maximum limits defined in the European Community for pesticides in water;*

*i) prohibiting the aerial spraying of pesticides throughout the national territory;*

*j) the expansion and broadening of the inspection regarding the storage and disposal of agro-toxic containers and packaging materials;*

*k) Advancing the effective implementation of conservation and sustainable use of pollinators in the territories, according to Decision 14/6 of COP 14.*

## NEW TECHNOLOGIES FOR GENETIC EDITING AND MANIPULATION: PRECAUTION, MONITORING AND RISK ANALYSIS (CARTAGENA PROTOCOL)

The socio-environmental failure of the Green Revolution can no longer be concealed. There is an emergence of insects and plants resistant to different toxins, insecticides, fungicides, and herbicides, as well as other ecosystem and social impacts. As a market alternative, and abusing the power of associated interests to influence legal norms, elements related to the so-called “new biotechnologies” (NBTs) of genetic manipulation, or “innovative precision breeding techniques” (Precision Breeding Innovation – PBI), a set of genetic manipulation mechanisms that differ from transgenics in that they do not involve the transfer/presence/identification of recombinant DNA/RNA, exogenous to the recipient organism in the product of genetic transformation, are advancing. These include products generically known as “cisgenics”, obtained by a wide range of technologies (Crispr-cas9, Talens, methylation) that supposedly allow for greater precision, and lower risks

and costs. However, the damages and dangers involving the combined action of the modified genetic material remain, and the long-term effects are amplified by the possibility of species extinction, such as the use of gene drives.

Therefore, in compliance with the commitments established under the Cartagena Protocol, products obtained by NBTs are Living Modified Organisms (LMOs), according to the concept established by the text of the Protocol, and must be subjected to rigorous risk analysis. Changes in Brazilian regulations, such as CTNBio’s RN16, which exempts these products from risk analysis, compromise ecosystems and human and environmental health. We also reiterate that GMOs used in emergency processes, such as vaccines in health crises, are not equivalent to dozens of GMOs used for agricultural or industrial purposes.

**We propose:**

- a) the monitoring of labeling, a moratorium on genetic targeting techniques (gene-drive), cancellation of CTNBio's RN16, and international pressure for the monitoring of LMOs released in Brazil;
- b) compliance with the principles and provisions of the Federal Constitution, the Biosafety Law 11,105/05, and the Cartagena Protocol, which determine that any product developed with genome modification, even if the product does not contain identifiable recombinant material, must undergo evaluation as to its risks to health and the environment and, if released commercially, must be labeled and monitored;
- c) the establishment and strengthening of mechanisms for popular participation and transparency, redefining the participation of civil society representatives and of ministries currently subordinated to the Ministry of Agriculture, Livestock and Food Supply's (MAPA, in Portuguese) interests (such as the Ministry of Health, the Ministry of the Environment, and the State Secretariat for Fisheries), in the CTNBio, which should have access to national commissions involved in the issue;
- d) the revocation of CTNBio Normative Resolution No. 16/2018, which establishes that organisms developed through PBI techniques can be exempted from the norms of prior studies and risk assessment regarding biosafety;
- e) the advocacy at COP 15 and MOP 10 (Cartagena Protocol on Biosafety) for a strict international moratorium on genetic boosters or gene drives;
- f) the creation of a permanent working group linked to a council or ministry, so that organizations, movements, and researchers can monitor approval processes for transgenics and new biotechnologies, and propose alternatives;
- g) the respect and guarantee of social, democratic participation, and transparency in decision-making processes.

## AGROECOLOGY, NATIVE (CREOLE) SEEDS, AGROBIODIVERSITY IN THE FIGHT AGAINST CLIMATE CHANGE AND PANDEMICS

Creole seeds are the heritage of the people of the countryside, of the waters, and of the forests. These people are historically responsible for maintaining and improving the many varieties and species of seeds that exist around the world. They are also responsible for the existence of a way of doing agriculture based on the principles of agroecology, which has as its centrality the diversified production of healthy food in line with the concern about climate change, the loss of biodiversity, and the loss of natural habitats. With an emphasis on the work of women who have resisted the impacts of the conservative modernization of agriculture, conserving seeds and seedlings in productive gardens and backyards.

In Brazil, between 2003 and 2015, programs and public policies that sought to conserve and value agrobiodiversity and sociobiodiversity, fight hunger, and guarantee land, territory, and coastal territories for peasant and fishing communities, Indigenous Peoples, and Traditional Communities were developed, in addition to the development of Agroecology as a productive

model. However, as of 2016, the country underwent a profound change in its governance, causing these groups of actions to have less political and budgetary importance. We highlight the extinction of the Food Purchase Program (*Programa de Aquisição de Alimentos – PAA*, in Portuguese), the extinction of the National Council for Food and Nutrition Security (*Conselho Nacional de Segurança Alimentar e Nutricional – CONSEA*), the National Council for Sustainable Rural Development (*Conselho Nacional de Desenvolvimento Rural Sustentável – CONDRAF*), the National Commission for Agroecology and Organic Production (*Comissão Nacional de Agroecologia e Produção Orgânica – CNAPO*) and the programs for coexistence with the semi-arid (construction of cisterns, seed houses, among others). The suspension of the execution of the National Plan for Agroecology and Organic Production (*Plano Nacional de Agroecologia e Produção Orgânica – PLANAPO*), the suspension of agrarian reform, and the suspension of the demarcation of the territories of Indigenous peoples and traditional communities, among many other programs and policies that have been dismantled or

had their budgets reduced, are also noteworthy.

Another growing problem is the increase in authorizations for the use of transgenic commercial varieties, which has as a direct consequence the contamination of native corn seeds that has been identified throughout the national territory. There is no clear action by the governments to inhibit this situation that leads to genetic erosion, putting at risk the biodiversity of a crop that is so important for all humanity, and causing great consequences for peasant families, Indigenous Peoples, and Traditional Communities that have lost their seeds, without any prospect of reparation or

redress. There is not even a systematic and orderly action by the Brazilian State to monitor the situation and identify the intensity of this contamination. We understand that it is fundamental that the Brazilian State acts to encourage the conservation of agrobiodiversity and sociobiodiversity (*in situ* and on farm, articulated to *ex situ* strategies), the fight against hunger, the production of healthy food, the promotion of agrarian reform, the demarcation of Indigenous territories and traditional communities, and to mitigate the consequences of climate change, which unequally affect women and Black and Indigenous populations, especially children.

**We propose:**

- a) the resumption, revision, and expansion of public policies oriented at the production of healthy food (Food Purchase Program – PAA), protection of peoples’ native seeds (PAA seeds) and food security (National School Feeding Program – PNAE), prioritizing genetic diversity and the inclusion of forest and medicinal seeds and seedlings;
- b) the assurance of the agrarian reform policy, the demarcation of Indigenous lands, the titling of quilombola territories, and the recognition of traditional territories, with income generation for family agriculture, such as traditional agricultural and fishing systems;
- c) that Brazil refrain from carrying out any activity in the “sense of limiting any right that farmers have to conserve, use, exchange, and sell seeds or propagating material produced and conserved on their properties”, according to Article 9 of the International Treaty on Plant Genetic Resources for Food and Agriculture and Article 10, c, of the Convention on Biological Diversity (CBD), especially in the context of PAA seeds;
- d) the valorization and recognition, supported by public policies, of the work of the guardians of agrobiodiversity and of creole breeds;
- e) the creation of policies to strengthen community seed and seedling houses and banks, and popular herbaria of medicinal plants and their associated traditional knowledge as a positive incentive for cultivated Biodiversity and food sovereignty;
- f) Prioritizing support for production initiatives based on biodiversity management carried out by Indigenous peoples and traditional communities, such as native bees, native fish, and other species of economic importance;
- g) the implementation of effective policies for the fomentation and protection of networks of guardians of creole animal breeds, as well as the organization of fairs and festivals for the valorization of creole breeds and their products, through public edicts that enable the hiring of civil society organizations to advise family farmers, Indigenous peoples, quilombola communities and traditional communities on the retrieval, conservation, multiplication, and improvement of creole breeds;
- h) the implementation of promotion and technical assistance policies that value women as guardians of creole breeds, with a specific budget for the construction of conservation centers for creole breeds associated with the training process for the retrieval, conservation, multiplication, and improvement of creole breeds;
- i) the signing and ratification of the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas;
- j) the creation of mechanisms that seek to reduce genetic erosion and loss of varieties due to the contamination of native corn varieties by transgenic seeds, as well as the creation of reparation actions for the guardians of seeds that have had their varieties contaminated;
- k) the resumption of the National Council for Food and Nutritional Security and the National Commission for Agroecology and Organic Production, and the programs and related actions that they develop, ensuring broad social participation;

- l) the expansion of community nurseries for creole, forage, and fruit tree seedlings, which should pay more attention to species of food, medicinal, and forage use and also function as native/creole seed banks to be made available to family farmers;*
- m) the support for productive backyards, including medicinal plants, fruit trees, flowers, and animals, with emphasis on the role of women, as sites of biodiversity conservation and associated knowledge;*
- n) the creation and implementation of policies for the construction and organization of Community Houses and Banks of Creole Seeds and small Units for the Processing of Creole Seeds as instruments of social organization, for the construction of peasant autonomy, and for the conservation of agrobiodiversity in the territories;*
- o) the creation of a National Program for the Protection of Creole Corn that considers fomentation actions, participative research, production improvement, consumption, conservation, and safeguarding of the genetic and cultural diversity associated with corn, as a way to protect the species from the process of genetic and chemical contamination;*
- p) the recognition of traditional territories as areas with a great agroecological contribution to society, encouraging the certification of agroecological and organic production, with emphasis on Participatory Guarantee Systems;*
- q) the creation of the Popular Pharmacopoeia of Brazil (Farmacopeia Popular do Brasil), in order to rescue and value the traditional knowledge about native medicinal species and practices of popular and traditional medicine, associating them to the practices of the Unified Health System – SUS*

## SYNTHETIC BIOLOGY, DIGITAL GENETIC SEQUENCING (DIGITAL SEQUENCE INFORMATION - DSI) AND ACCESS AND BENEFIT-SHARING (ABS) (CARTAGENA AND NAGOYA)

The digitalization of genetic sequences of organisms and their deposit in “banks” may generate a series of consequences, such as the amplification of the development of artificial and synthetic organisms, as well as the private appropriation of genetic heritage and the associated traditional knowledge. It is known that more than 20% of the digital sequences are available to the wide use of the peoples and the difficulty of sharing benefits that derive from species or knowledge of Indigenous peoples and traditional communities. We denounce, in special: a) the explicit relation between digital information of genetic sequences with the privatization of biodiversity and the associated knowledge, undermining the world’s Food Sov-

ereignty; b) the absence of prior, free, and informed consent for digital information of sequences deposited in public banks, which eliminates the traceability; c) the dispute in relation to the benefit-sharing originating from the use of digital information of genetic sequences; d) the possibility of increase of events of biopiracy due to the techniques of digitalization of genetic sequences.

We are concerned about the advancement of the discussion about issues that reverberate these same historical violations in a new context, as is the case of digital information of genetic sequencing data, susceptible to patenting.

### **We propose:**

- a) the recognition that all genetic sequencing contains information that has been experienced and lived by Indigenous peoples and local communities and family farmers;*
- b) the digital information from genetic sequencing should be subject to benefit sharing with traditional knowledge holders, Indigenous peoples, local communities, and family farmers;*
- c) the protection of traditional territories of sustainable production, to guarantee the food and nutritional security of Indigenous peoples and local communities;*

- d) the guarantee of free, prior, and informed consent to Indigenous peoples and local communities regarding public banks and other forms of products of the digital information of genetic sequences;*
- e) the construction of an efficient program with the participation of Indigenous peoples and local communities for the registries of digital information of genetic sequences;*
- f) the observance of the precautionary principle for research, development, and release of techniques related to synthetic biology, as well as the social and economic impacts on the communities that depend on these resources.*

## THE NAGOYA PROTOCOL, THE BIODIVERSITY LAW AND DISPARITIES IN THE GENETIC HERITAGE MANAGEMENT COUNCIL: VIOLATION OF THE RIGHT TO FREE, PRIOR AND INFORMED CONSULTATION

The ratification of the Nagoya Protocol took place in Brazil in March 2021, with accelerated procedures in Congress, amid the COVID-19 pandemic, without any consultation or participation of Indigenous peoples, traditional communities, and peasants. The Protocol regulates instruments adopted by the Convention on Biological Diversity, especially the procedures that should be carried out on a case-by-case basis, according to the culture and political and social organization of the people or traditional community in which there will be access to genetic heritage and traditional knowledge. However, this is not being done in practice due to a lack of control mechanisms and traceability.

Similarly, Brazil passed Federal Law No. 13,123/2015, the “Biodiversity Law,” also without the effective participation of Indigenous peoples, traditional communities, and peasants. Despite all the criticism that the Biodiversity Law deserves, it also brings advances, such as the establishment of community biocultural protocols, the result of the joint incidence and struggle of peasants, Indigenous peoples, traditional peoples and communities, and quilombola communities. The community protocols are essential for registering the knowledge, practices, and management strategies of a given people or traditional community, in addition to defining how the mechanisms of access to biodiversity and socio-biocultural memory will be handled, as well as how the fair and equitable sharing of benefits arising from this exploitation will occur. In addition, the protocols guarantee the freedom to use traditional knowledge for health prevention and treatment, for ancestral aesthetics,

and for the conservation of different ecosystems and biomes. That is why the protocols must be built with the autonomy of and by the communities, through public funding.

The mechanism adopted by Law No. 13,123/2015 of no right to prior consultation and benefit sharing to peasant communities, Indigenous peoples, and traditional communities, when it comes to information of unidentifiable origin, needs to be denounced. The information regarding the genetic resource that is not identifiable is not unchangeable, because all knowledge has some origin. It is necessary to give the opportunity to these individuals for their knowledge of origin so that what is not registered can become registered.

We denounce the lack of strengthening of primordial spaces and spaces for the participation of Indigenous peoples, traditional communities, and peasants in what concerns the management of the biocultural heritage, as it occurs with the National Genetic Heritage Management Council – CGEN. There are countless difficulties for the effective participation of social organizations in the processes of political decision-making in these councils and national committees, with violation of the right to information, of social control of policies, and the hindering of the participation in a qualitative way of these agents/individuals of civil society. The participation of Indigenous peoples, quilombolas, and traditional communities is compromised by the asymmetry in the participation in the space and the political ill-will to enforce the legislation.

**We propose:**

- a) the renewal of Brazil's signature on Convention 169 of the International Labor Organization (ILO), with the rejection of Legislative Decree Draft (PDL) No. 177/2021;
- b) the effective implementation of a policy of recognition, valorization, and respect for the socio-environmental and cultural diversity of traditional peoples and communities, marking the territorial, socio-environmental, and cultural rights, as well as safeguarding the guarantee of food and nutritional sovereignty as fundamental rights. Activating the National Policy for the Sustainable Development of Traditional Peoples and Communities (Decree No. 6,040/2007);
- c) the recognition and respect for the biocultural community protocols autonomously constructed by the communities, as legitimate instruments for the protection of traditional knowledge, affirmation of the right to use, conservation of Brazilian biodiversity, and as the right to deny or not the access or the definition of the mode of benefit sharing;
- d) the promotion of and access to specialized technical and legal advice from and under the social control of the organizations of Indigenous peoples, traditional peoples and communities, and family farmers, to assist in the implementation and enforcement of the legislation.

Regarding the legal framework of Brazilian biodiversity and the access to benefit sharing on associated traditional knowledge: (a) broad support for the representations of traditional peoples and communities in the Genetic Heritage Management Council (CGEN); (b) the traceability of traditional knowledge; (c) "benefit sharing" beyond monetarization, in a fair and equitable way, respecting free, prior, and informed consent in the case of any use of associated traditional knowledge and without replacing the public financial responsibility of the National State instances and bodies; (d) broad enforcement against improper accesses and; (e) that broad debates and training occur in the communities regarding Law No. 13. 123/2015 and Decree No. 8,772/2016, contextualizing with the CBD and the ILO Convention 169, among other pertinent legal documents.

## RIGHT TO LAND AND TERRITORY AND RESPECT FOR INDIGENOUS PEOPLES, TRADITIONAL PEOPLES AND COMMUNITIES, AND ARTICLE 8J

We understand that in order to achieve the objectives of the Convention on Biological Diversity it is necessary to guarantee the right to territory, the free use and autonomous management of traditional knowledge, and the effective consultation with Indigenous peoples, and traditional and peasant communities. Although Article 8, paragraph "j" of the Convention on Biological Diversity presupposes respect for access to traditional knowledge, prior consultation, and the fair and equitable sharing of benefits with traditional peoples and communities, as does ILO Convention 169, it is through the Nagoya Protocol, at the international level, that the establishment of proper mechanisms is regulated.

However, we verify that there is an absence of state commitment to an adequate and efficient inspection and fight against biopiracy by the State and a lack of understanding of the intrinsic relationship between traditional knowledge, the existence of the territories of

Indigenous peoples, and traditional and peasant communities, and the protection of biodiversity.

In relation to the communities that do not have biocultural protocols, access to traditional knowledge occurs through other means, such as bilateral contracts between companies and communities, and in between there is no guarantee that possible non-patenting or fair benefit sharing will occur. There is an asymmetry between what is aimed for and what occurs in practice, in the day-to-day unequal relations between companies, the State, and the communities. Another model of benefit sharing different from that of intellectual property and knowledge patenting is needed. Indigenous peoples and traditional and peasant communities have proposed new arrangements in which these subjects are the protagonists. It is questioned, for example, what a fair and equitable distribution would be since there is an explicit relation of inequality, through which indus-

tries receive more and people less. One might question what would be fair and equitable for Indigenous peoples and traditional and peasant communities because each of the hundreds of Indigenous ethnic groups or segments of traditional communities may have different concepts of distribution. It is important to denounce that the access to traditional knowledge that is initially consented to for scientific purposes ends up being used for commercial purposes. In addition, it is also important to denounce that peasants, Indigenous people, and traditional peoples and communities reject the use of traditional knowledge in the strict logic of capitalist commercialization, patenting, and monopolization of use by companies or researchers. It is necessary to guarantee the right to refuse access to traditional knowledge by peasants, Indigenous, and traditional peoples and communities, and not only the right to consent.

What is expected with the new government management in Brazil and with optimistic aspirations from the 15th Convention of the Parties to the CBD is that genetic resources are in fact applied and managed by specific

and appropriate stories to each region and peoples, and not as a commodity or product to be sold in the transnational market.

It is also necessary to denounce the destructuring of Working Group 8j under the CBD and the difficulties in advancing the new work plan created by Working Group 8j.

It is necessary to build public policies for the conservation of socio-biodiversity based on traditional systems for the use and management of traditional territories and their associated knowledge, articulating the Biocultural Protocols, Benefit Sharing, and Customary Agreements in accordance with the Convention on Biological Diversity, especially articles 8j and 10c, and in contrast to other conservation strategies that result in the de-territorialization of traditional peoples, such as the implementation of Full Protection Conservation Units, their privatization, and financialization strategies, such as compensation mechanisms for Reducing Emissions from Deforestation and Forest Degradation (REDD+).

**We propose:**

- a) the construction of public policies for the conservation of sociobiodiversity based on traditional systems of use and management of traditional territories and their associated knowledge, articulating the Biocultural Protocols, Benefit Sharing, and Customary Agreements;
- b) the institutional recognition of the right to practice traditional medicine by traditional peoples and communities and review the National Policy for Medicinal Plants and Herbal Medicines (Decree No. 5,813/2006);
- c) the construction and promotion of state and national laws that guarantee traditional peoples and communities free access to sociobiodiversity, even when located on private properties or Conservation Units, and laws that support and protect sustainable vegetal and fauna agroextractivism practices, without any criminalization of sustainable agroextractivist practices that protect biodiversity, including specific public resources to support practices developed by women;
- d) the adoption of a methodology that guarantees fair prices and unbureaucratic access to the Policy for Guaranteeing Minimum Prices for Sociobiodiversity Products (*Política de Garantia de Preços Mínimos para Produtos da Sociobiodiversidade – PGPMbio*, in Portuguese) as a policy for subsidizing the price of family agriculture and agroextractivist products, contributing to the reduction of deforestation. Productive modes and local development chains for the commercialization of sociobiodiversity products should also be encouraged and supported, in addition to guaranteeing minimum prices.
- e) the implementation of the National Policy for the Development of Traditional Peoples and Communities, as well as the National Policy for Medicinal Plants and Herbal Medicines, as means to guarantee the application of Article 8, j, of the Convention on Biological Diversity (CBD) in Brazil;
- f) the continuity of the 8j Working Group, at the level of the Convention, given that this is the most proper and participative group of traditional peoples and communities in the implementation of this milestone;
- g) the implementation of a permanent Group of dialogue with the Brazilian government for the discussions and implementation of art. 8j. g) the implementation of a permanent Group of Dialogue with the Brazilian government for the discussions and implementation of Article. 8j, so that in fact there is a close follow-up and the interests of peasants, Indigenous people, and traditional peoples and communities are attended to;
- h) the functioning of the National Benefit Sharing Fund (*Fundo Nacional de Repartição de Benefícios – FNRB*, in Portuguese), with the effective participation of the peoples and communities.

## Signatories to this letter:

### MOVIMENTOS SOCIAIS NACIONAIS

- Articulação dos Povos Indígenas do Brasil (APIB)
- Coordenação Nacional de Articulação das Comunidades Negras Rurais Quilombolas (CONAQ)
- Marcha Mundial de Mulheres (MMM)
- Movimento Camponês Popular (MCP)
- Movimento Contra as Agressões à Natureza (MoCAN)
- Movimento de Mulheres Camponesas (MMC)
- Movimento dos Pequenos Agricultores (MPA)
- Movimento dos Trabalhadores Rurais Sem Terra (MST)
- Pastoral da Juventude Rural (PJR)

### REDES E ARTICULAÇÕES NACIONAIS

- Articulação do Semiárido Brasileiro (ASA)
- Articulação Nacional de Agroecologia (ANA)
- Articulação Nacional de Mulheres Indígenas Guerreiras da Ancestralidade (ANMIGA)
- Associação Brasileira de Agroecologia (ABA)
- Campanha Nacional em Defesa do Cerrado
- Campanha Permanente Contra os Agrotóxicos e Pela Vida
- Grupo Carta de Belém
- Movimento Ciência Cidadã (MCC)
- Plataforma Mercosul Social e Solidário (PMSS)
- Rede Cerrado
- Rede de Povos e Comunidades Tradicionais do Brasil

### MOVIMENTOS SOCIAIS REGIONAIS, ORGANIZAÇÕES, ASSOCIAÇÕES, INSTITUTOS E SINDICATOS

- Alternativas para Pequena Agricultura no Tocantins
- Ambiente-se: projetos socioambientais
- Amigos da Terra Brasil
- Articulação dos Povos e Organizações Indígenas do Nordeste, Minas Gerais e Espírito Santo (APOINME)
- Articulação Estadual das Comunidades Tradicionais de Fundos e Fechos de Pasto - Bahia
- Articulação Mineira de Agroecologia (AMA)
- Articulação Pacari Raizeiras do Cerrado
- Articulação Paranaense de Agroecologia (APRA)
- AS-PTA - Agricultura Familiar e Agroecologia
- Assembleia Permanente de Entidades Ambientistas do RJ (APEDEMA-RJ)
- Associação Agroecológica Tijupá
- Associação Brasileira de Pesquisa em Educação em Ciências
- Associação Brasileira de Saúde Coletiva (Grupo Temático de Saúde Ambiente)
- Associação Bujaruense dos Agricultores e Agricultoras (ABAA)
- Associação Comunitária de Educação em Saúde e Agricultura
- Associação Cultural e Agrícola dos Jovens Ambientistas da Paraíba (ACAJAMAN PB)
- Associação de Defesa e Promoção dos Direitos da Pessoa com Deficiência dos Municípios de Miguel Pereira – RJ (ADEFIMPA-RJ)
- Associação dos Catadores de Materiais Recicláveis de Capão Bonito (ACAMAR)
- Associação dos Docentes da Universidade Federal do Rio de Janeiro (ADUNIRIO)
- Associação dos/as Retireiros/as do Araguaia
- Associação Ecocidade
- Associação Morretes Agroflorestal e Ecológica (AMAE)
- Associação Pomerana de Pancas (APOP)
- Associação Regional de Convivência Apropriada ao Semiárido (Arcas)
- Cáritas Diocesana de Propriá
- Catedral Anglicana da Santíssima Trindade São Paulo
- Centro Agroecológico Tamanduá (CAT)
- Centro de Ação Cultural (CENTRAC)
- Centro de Agricultura Alternativa do Norte de Minas (CAA-NM)
- Centro de Apoio a Projetos de Ação Comunitária
- Centro de Apoio e Promoção da Agroecologia (CAPA)
- Centro de Assessoria e Apoio aos Trabalhadores e Instituições Não Governamentais Alternativas (CAATINGA)
- Centro de Desenvolvimento e Educação dos Sistemas Tradicionais de Erva-mate (CEDErva)
- Centro de Tecnologias Alternativas da Zona da Mata (CTA-ZM)
- Coletivo Feminista Amigas de Ivone Gebara
- Coletivo Feminista Classista Maria vai com as Outras
- Coletivo Nutris Contra Fome
- Coletivo Triunfo
- Comissão em Defesa dos Direitos das Comunidades Extrativistas (Codecex)
- Comissão Pastoral da Terra
- Conselho de Missão entre Povos Indígenas (COMIN)
- Construção Coletiva O Futuro Que Queremos
- Cooperativa Agroecológica da Agricultura Familiar e Economia Solidária Cultivando Vida
- Cooperativa Central do Cerrado

- Cooperativa de Pequenos Produtores Agrícolas dos Bancos Comunitários de Sementes
- Defensores do planeta
- Ecovila Teshuvah
- Escola Nacional de Energia Popular
- FASE - Solidariedade e Educação
- Favela Verde
- Fazenda Orgânica vale do Tamanduá
- Fórum Acidentes de Trabalho
- Fórum da Cidadania de Santos
- Fundação Luterana de Diaconia (FLD)
- Grupo de Estudos e Pesquisas em Educação Ambiental (Gea UFJF)
- Grupo de Estudos em Educação Ambiental desde el Sur (GEASur)
- Grupo de Estudos em Educação e Meio Ambiente (GEEEMA)
- Grupo de Interesse Ambiental (GIA)
- Grupo de Orgânicos Cultivado Vidas
- Grupo de Trabalho Mulheres e Agroecologia da ASA Paraíba
- Grupo Entre Folhas-Plantas Medicinais
- Grupo Pesquisador em Educação Ambiental, Comunicação e Arte (GPEA-UFMT)
- Igreja Batista em Coqueiral
- Igreja Batista Sertaneja
- Igreja Presbiteriana da Aliança
- Igreja Presbiteriana Vida e Luz
- Instituto Acampar Orgânicos - RJ
- Instituto de Estudos Socioeconômicos (Inesc)
- Instituto Genesis
- Instituto Profauna - Proteção à Fauna e Monitoramento Ambiental
- Instituto Shirley Djukurnã Krenak
- Instituto Sociedade, População e Natureza (ISPN)
- Instituto Socioambiental (ISA)
- Instituto Solidare
- Liga Acadêmica de Educação Ambiental da UERJ (Leduca)
- Mare Socioambiental - Movimento Amplo De Resistência Ao Desmonte Das Políticas Socioambientais
- Memorial Chico Mendes
- Momento da Mulher Trabalhadora Rural do Nordeste
- Movimento Baía Viva (RJ)
- Movimento das Catadoras de Mangaba
- Movimento Lagoa Viva
- Movimento Pela Ética Animal Espírita (Move)
- Movimento Renovar Nosso Mundo Brasil
- Núcleo de Agroecologia NEA CAPAU/IFPI
- Núcleo de Ecosocialistas da Bahia
- Núcleo Gestor da Cadeia Produtiva do Pequi e Outros Frutos do Cerrado
- Núcleo Sertão Verde
- Orgânicos Sul de Minas
- Padrão Águias da Aventura Objetiva (1ª Brigada Verde de Proteção ao Meio Ambiente)
- Pastoral Meio Ambiente - Diocese de Nova Iguaçu
- PRIMA - Mata Atlântica e Sustentabilidade
- Programa de Aplicação de Tecnologia Apropriada às Comunidades (PATAC)
- Projeto aves limícolas RJ
- Projeto Bagagem
- Rede Ambiental do Piauí
- Rede Criação Animal da Asa Paraíba
- Rede de Apoio e Assessoramento às Guardiãs e Guardiões de Saberes Biodiversos (RAGU-CTA)
- Rede de Comunidades Tradicionais Pantaneiras
- Rede de Educadores Ambientais da Baixada de Jacarepaguá
- Rede de Intercâmbio de Tecnologias Alternativas
- Rede de Mulheres Ambientistas da América Latina - Elo Brasil
- Rede de Mulheres Negras de Pernambuco
- Rede de Recursos Genéticos Animais - NE
- Rede Ecovida
- Rede Maniva de Agroecologia (REMA)
- Secretaria Paroquial de Direitos Humanos Arcebispo Desmond Tutu da Igreja Anglicana Jesus de Nazaré na Praia de Gaibu
- Serra Acima - Assoc. de Cultura e Educação Ambiental
- Sete Cascas - Núcleo de Permacultura da Universidade Estadual do Sudoeste da Bahia
- Sindicato dos Trabalhadores em Água, Esgoto e Meio Ambiente no Estado da Bahia (Sindae)
- Sindicato dos trabalhadores rurais de Caraúbas
- Sindicato Nacional dos Servidores Federais da Educação Básica, Profissional e Tecnológica – Seção Sindical IFMG (Sinasefe IFMG)
- Sítio Agroflorestal Pedacinho do Céu
- Slow Food Brasil
- Sociedade Brasileira de Etnobiologia e Etnoecologia (SBEE)
- Terra de Direitos
- Tinguí filmes
- União Vegana de Ativismo
- Viveiro Muda Tudo