



**SYSTEMATIC VIOLATION OF THE RIGHTS TO CLEAN AIR, LIFE, WELL-  
BEING, AND A HEALTHY AND SUSTAINABLE ENVIRONMENT  
PERPETRATED BY THE BRAZILIAN STATE: A SUBMISSION ON  
ENVIRONMENTAL COLLAPSE OF AIR QUALITY AND HUMAN RIGHTS  
ABUSES IN THE BRAZILIAN AMAZON**

To

Sr. David Boyd,

Special Rapporteur on Human Rights and the Environment;

Sr. Ian Fry,

Special Rapporteur on Climate Change;

Sr. Saad Alfarargi,

Special Rapporteur on the Right to Development;

Sr. Tlaleng Mofokeng,

Special Rapporteur on the Right to Health;

Sr. José Francisco Cali Tzay,

Special Rapporteur on the Rights of Indigenous Peoples.

## I. INTRODUCTION

1. This submission describes the ongoing and systematic violation of the rights to clean air, life, well-being, and to a healthy and sustainable environment ('right to a healthy environment' or 'R2HE') suffered by the population of Amazon, by traditional communities and indigenous peoples, and by present and future generations of Amazonas, Pará and Brazil, as a result of omissions by the Brazilian State.

2. The Brazilian Deputy for the State of Amazonas, Amom Mandel, has compiled a list of serious omissions by the Brazilian Government, the State Governments of Amazonas and Pará, and the Government of the City of Manaus. These omissions raise significant environmental concerns and could result in irreversible damage to the Amazon and to a range of other human rights. This submission will demonstrate that these omissions violate fundamental and universal human rights to clean air, life, well-being and to a healthy and sustainable environment (R2HE), directly affecting the right to human dignity in several aspects. Violations of the R2HE and other related human rights are evident through widespread omissions concerning the protection of the Amazon against forest fires, which are spreading at alarming levels in the states of Amazonas and Pará, and in safeguarding collective health. These wildfires have been producing dense clouds of toxic smoke that result in an unprecedented collapse in air quality. In Manaus, the level of pollutants in the air has exceeded the  $400 \mu\text{g}/\text{m}^3$  mark, a value almost 10 times higher than the maximum limit established by the World Health Organization (WHO). According to the United Nations (UN), air pollution causes 1 in every 9 deaths, being the most significant risk to the planet's environmental health. This situation becomes even more critical concerning the indigenous peoples, who often inhabit areas close to the fires and are subject to prolonged exposure to toxic smoke, in addition to other considerable damages that will be presented in this submission.

3. Respectfully, we request that the respective Special Rapporteurs investigate the violations compiled in this submission and demand that the Brazilian Government, the State Governments of Amazonas and Pará, as well as the Government of the City of Manaus, immediately adopt measures to cease and prevent future violations of the universal rights presented, and repair the damage caused to collective health and the environment.

## II. RELEVANT FACTS

4. The air quality of cities located in the states of Amazonas and Pará has been drastically deteriorated due to the forest fires that are spreading uncontrollably in the Amazon. In 2023, Brazil has led the ranking of wildfires in South America, with historical records in the Amazon<sup>(1)</sup>. In the first half of 2023, approximately 70% of the burned area in Brazil is in the Amazon, according to data from MapBiomass<sup>(2)</sup>. In October, the Amazon recorded 22,061 fire outbreaks, an increase of almost 60% compared to the same period last year, according to data from the National Institute for Space Research - INPE (Portuguese acronym). During this period, Pará recorded 11,378 fire outbreaks, the highest record for this month since 2008. From January to October 2023, Pará recorded the highest number of fire occurrences in Brazil, with 31,119 fire outbreaks. In turn, Amazonas recorded 3,858 fire outbreaks in October, the worst record of the last 25 years, according to INPE<sup>(3)</sup>.

5. The wildfires have not only devastated the Amazon Forest but also released massive amounts of pollutants into the air. In Manaus, the city with the largest indigenous population in Brazil, air pollutant levels reached over 400  $\mu\text{g}/\text{m}^3$  between September and November 2023, placing Manaus among the cities with the worst air quality conditions in the world<sup>(4)</sup>. In addition to damage to wildlife flora and fauna, this situation is extremely worrying as it involves exposing millions of people to pollutants present in this type of smoke. This exposure is associated with the deterioration of cardiorespiratory conditions and an increase in the mortality rate, the incidence of cancer, and brain tumors<sup>(5,6)</sup>.

6. Forest fires in the Amazon have also significantly affected the way of life and development of indigenous peoples. Many indigenous communities are located in

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<sup>1</sup> WWF (2023). Fires in the Amazon break record in the first half of October. Available at: <<https://www.wwf.org.br/?87060/Queimadas-no-Amazonas-batem-recorde-na-primeira-quinzena-de-outubro>> accessed on: 04/11/2023.

<sup>2</sup> Mariana Vick. 'Amazon: why deforestation falls, but fires grow'. Available at: <<https://www.nexojournal.com.br/expresso/2023/07/28/Amaz%C3%B4nia-por-que-o-desmate-cai-mas-as-queimadas-crescem>> accessed on: 04/11/2023.

<sup>3</sup> Aline Rechmann. 'Fires in the Amazon have a 60% increase in October and rulers blame drought, wind and Bolsonaro'. Available at: <<https://www.gazetadopovo.com.br/república/queimadas-na-amazonia-tem-alta-de-60-em-outubro-e-governantes-culpam-seca-vento-e-bolsonaro/>> accessed on: 10/11/2023.

<sup>4</sup> World Air Quality Index (2023). World's Air Pollution: Real-time Air Quality Index. Available at: <[www.waqi.info](http://www.waqi.info)> accessed on: 04/11/2023.

<sup>5</sup> Korsiak, J.; Pinault, L.; Christidis T.; Burnett R. T.; Abrahamowicz, M.; Weichenthal, S. (2022). Long-term exposure to wildfires and cancer incidence in Canada: a population-based observational cohort study. *The Lancet Planetary Health*, 6(5), e400-e409.

<sup>6</sup> Xu, R.; Ye, T.; Yue, X.; Yang, Z.; Yu, W.; Zhang, Y.; Li, S. (2023). Global population exposure to landscape fire air pollution from 2000 to 2019. *Nature*, 621(7979), 521-529.

areas close to the fires and are subject to prolonged exposure to smoke, in addition to challenges related to access to basic resources such as drinking water, food, masks, medical care, and hygiene items<sup>7</sup>. In 2023, the fires have already burned plantations and houses of indigenous populations, and it is common for indigenous people to risk their own lives to fight the advance of the flames<sup>8,9</sup>. This scenario is extremely worrying, as indigenous populations face heightened vulnerability to respiratory infections. According to the Special Secretariat for Indigenous Health - SESAI (Portuguese acronym), respiratory diseases are still the leading cause of child mortality among indigenous people. In this context, it is important to remember that Manaus, taken by toxic smoke, is the city with the most indigenous people in Brazil<sup>10</sup> (elaboration in Annex B).

7. The particles emitted by the wildfires harm the formation of rain clouds and storms, representing significant climatic disturbance<sup>11,12</sup>. In this sense, it is possible that the forest fires in the Amazon have modified the pattern of precipitation in the region, contributing to the worsening of the drought in Amazonas, as a result of a terrifying feedback cycle. As a consequence of *El Niño* and the rampant spread of forest fires in the region, Amazonas, which houses the largest river basin in the world, has witnessed a historic reduction in water levels in its rivers, resulting in the isolation of communities and the scarcity of basic resources, including food and drinking water. The severe drought has impacted all of Amazonas and some cities in other states of the Brazilian Amazon, such as Acre and Pará. The death of thousands of fish and more than two hundred of pink dolphins<sup>13</sup>, also known as ‘river dolphins’, which have entered the list of species threatened with extinction, symbolizes the severity of the impact on aquatic fauna, an irreparable loss for the local ecosystem.

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<sup>7</sup> Bonilla, E. X.; Mickley, L. J.; Raheja, G.; Eastham, S. D.; Buonocore, J. J.; Alencar, A.; Castro, M. C. (2023). Health impacts of smoke exposure in South America: increased risk for populations in the Amazonian Indigenous territories. *Environmental Research: Health*, 1(2), 021007.

<sup>8</sup> Rosiene Carvalho, ‘Fire on the edges of the BR-319 highway threatens indigenous people in Amazonas’. Available at: <<https://www1.folha.uol.com.br/ambiente/2023/09/fogo-as-margens-da-transamazonica-ameaca-indigenas-no-amazonas.shtml>> accessed on: 03 de Nov. 2023.

<sup>9</sup> Agência Amazônica, ‘Indigenous people fight forest fires in Autazes’. Available at: <<https://amazonagency.news/pt/listagem/indigenas-combate-incendios-em-autazes-3/>> accessed on: 03 de Nov. 2023.

<sup>10</sup> IBGE (2023). ‘Brazil has 1.7 million indigenous people and more than half of them live in the Legal Amazon’. Available at: <<https://agenciadenoticias.ibge.gov.br/agencia-noticias/2012-agencia-de-noticias/noticias/37565-brasil-tem-1-7-milhao-de-indigenas-e-mais-da-metade-deles-vive-na-amazonia-legal>> accessed on: 15 Oct. 2023.

<sup>11</sup> Alejandra Borunda, ‘Wildfire smoke is transforming clouds, making rainfall less likely’. Available at: <<https://www.nationalgeographic.com/environment/article/wildfire-smoke-is-transforming-clouds-making-rainfall-less-likely>> accessed on: 01 de Nov. 2023.

<sup>12</sup> National Aeronautics and Space Administration (NASA), ‘More smoke can mean less rain’. Available at: <<https://earthobservatory.nasa.gov/images/86672/more-smoke-can-mean-less-rain>> accessed on: 01 de Nov. 2023.

<sup>13</sup> G1 Amazonas, ‘Number of river dolphins killed during drought in Amazonas rises to 141’. Available at: <<https://g1.globo.com/am/amazonas/natureza/amazonia/noticia/2023/10/10/seca-historica-ja-matou-141-botos-no-lago-de-tefe-no-amazonas.ghtml>> accessed on: 01 de Nov. 2023.

8. The increase in wildfires, severe drought, and deterioration of air quality are interconnected challenges. Therefore, they demand immediate and coordinated action from the Brazilian State. It is essential that environmental preservation and the protection of collective health transcend ideological differences and partisan issues. The Constitution of Brazil of 1988, in its art. 255, stipulates that “*everyone has the right to an ecologically balanced environment, a common good of the people and essential to a healthy quality of life, imposing on the Public Power and the community the duty to defend and preserve it for current and future generations*”. It is important to emphasize that various Brazilian public agencies, as well as the author of this submission, as a congressman, have already questioned the denounced entities about the facts, the measures adopted and the structure for facing the fires in the Amazon<sup>(14)</sup>, but have not obtained answers.

9. The Amazon, with its vast tropical forest, its majestic rivers, and its rich biodiversity, is an invaluable heritage that needs to be protected and conserved with extreme care. Studies point out that the Amazon biome has the purest air on the planet<sup>(15)</sup>, it is inconceivable that the air quality of Manaus, the most populous city in the Amazon, is deteriorated by clouds of toxic smoke for so many months. Therefore, it is necessary for Brazil to adopt concrete actions in relation to forest fires in the Amazon, including internationally. Canada, for example, received about 5,000 firefighters and other international professionals to help fight the 2023 forest fires<sup>(16)</sup>. Similar measures are urgent and necessary in Brazil, considering that the number of professionals sent so far by the Brazilian Government is insufficient<sup>(17)</sup>. The images attached to this report show the inhuman situation in which the residents of Manaus are living (elaboration in Annex A). This unacceptable omission constitutes a patent violation of various human rights, especially the fundamental right to clean air, life, health, well-being, and a preserved environment.

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<sup>14</sup> G1 Santarém e Região, ‘Cloud of smoke in Santarém: MPF questions agencies about structure for firefighting’. Available at: <<https://g1.globo.com/pa/santarem-regiao/noticia/2023/11/03/nuvem-de-fumaca-em-santarem-mpf-questiona-orgaos-sobre-estrutura-para-combate-a-incendios.ghtml>> accessed on: 01 de Nov. 2023.

<sup>15</sup> Alejandra Borunda, ‘Wildfire smoke is transforming clouds, making rainfall less likely’. Available at: <<https://www.nationalgeographic.com/environment/article/wildfire-smoke-is-transforming-clouds-making-rainfall-less-likely>> accessed on: 01 de Nov. 2023.

<sup>16</sup> Charlie Carey, ‘Devastating 2023 Canadian wildfire season sets multiple records: feds’. Available at: <<https://vancouver.citynews.ca/2023/08/11/canada-wildfire-season-record-setting/#:~:text=This%20season%20continues%20to%20set,a%20total%20of%2012%20countries.>> accessed on: 01 de Nov. 2023.

<sup>17</sup> G1 Amazonas. ‘More than 20 Ibama firefighters will fight fires in cities near Manaus’. Available at: <<https://g1.globo.com/am/amazonas/noticia/2023/10/03/mais-de-20-brigadistas-do-ibama-vao-combater-queimadas-em-cidades-proximas-a-manaus.ghtml>> accessed on: 15 Oct. 2023.

10. The facts presented, besides being highly concerning in themselves, also threaten the global climate and the hydroclimatic stability of South America and Brazil, as well as the environmental and economic stability of the states of Amazonas and Pará, and the well-being, health, and life of its inhabitants, the Brazilian people, and people in other places. Failures in combating forest fires and in the safeguarding of collective health put the Brazilian State in manifest violation of the universal human right to clean air, life, health, well-being, R2HE, and other universal human rights, as will be demonstrated below. It is important to consider that all resources available at the local and national level have been exhausted without having been provided answers or implemented the necessary measures. This submission represents the last resort to address the serious violation of human rights outlined in this report.

### III. THE RIGHT TO A HEALTHY AND SUSTAINABLE ENVIRONMENT

11. The universal human right to a healthy and sustainable environment (R2HE), also known as the right to an ecologically balanced environment, is widely protected by international law, and binding for all States, including Brazil. The R2HE is included among the fundamental rights of the third dimension or generation, which are those *“that materialize powers of collective title attributed generically to all social formations, enshrine the principle of solidarity and represent a significant step in the development, expansion and recognition of human rights, characterized, as inalienable fundamental values, by the note of an essential inexhaustibility<sup>(18)</sup>.”*

12. The basic human rights, such as the right to a healthy quality of life, with the maintenance of stable standards of dignity and social well-being, cannot be guaranteed without the existence of a healthy, sustainable, and ecologically balanced environment<sup>(19)</sup>. It is a consensus that the current scenario of environmental degradation in the world threatens the possibility of a dignified existence for humanity and places human life itself at risk<sup>(20)</sup>. There is compelling evidence of the existence of a human right to a healthy and sustainable environment from the perspective of customary international law<sup>(21)</sup>. The fact that the universal human right to a healthy and sustainable

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<sup>18</sup> BRAZIL. Supreme Court, Writ of Mandamus - MS 22.164-0/SP, Rapporteur: Justice Celso de Mello, judged in 17.11.95, p. 392. Available at: <<http://redir.stf.jus.br/paginadorpub/paginador.jsp?docTP=AC&docID=85691>> accessed on: 20 Apr. 2023.

<sup>19</sup> Costa Neto, N. D. C., 'Legal Protection of the Environment' (Del Rey, 2003).

<sup>20</sup> Mirra, A. L. V., 'Participation, Civil Procedure and Defense of the Environment' (Legal Letters, 2011).

<sup>21</sup> William Schabas, 'The Customary International Law of Human Rights' (OUP, 2021).

environment (R2HE) has been adopted in various legal instruments around the world, including international treaties, constitutions, or domestic policies of more than 150 States, reinforces this understanding<sup>(22)</sup>. In addition, several constitutional courts routinely apply the R2HE<sup>(23)</sup>. In 2022, the United Nations General Assembly (UNGA) approved Resolution 76-300/2022 declaring that all people on the planet have the right to a clean and healthy environment<sup>(24)</sup>. Therefore, it is imperative to recognize the R2HE as a norm of customary international law.

13. The R2HE is a multifaceted and complex universal human right. In its subjective dimension, the R2HE is both a right of defense and a performance right against the State. Therefore, for its maximum effectiveness, it is essential to understand the R2HE as a binding universal human right, not as a simple recommendation, but as a true legal obligation of States. In fact, this understanding has long been stated by experts, UN entities, and civil society<sup>(25)</sup>. The R2HE creates legal obligations for all States to implement actions and public policies aimed at protecting climate stability, water resources, air quality, as well as promoting adequate sanitation and preserving environmental quality. The obligations related to the object of this submission will be detailed below.

14. *Clean air and human rights.* The Declaration of the United Nations Conference on the Human Environment of 1972 establishes that natural water resources should be preserved for the benefit of present and future generations and that all deposition of toxic substances or other materials in quantities or concentrations that the environment cannot neutralize should cease, aiming at the preservation of ecosystems<sup>(26)</sup>. Recently, the importance of clean air was recognized and legislated by the UN. On July 28, the United Nations General Assembly approved a resolution declaring access to a clean, healthy, and sustainable environment as a universal human

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<sup>22</sup> UNEP, 'Joint statement of United Nations entities on the right to healthy environment' (UNEP, 8 Mar. 2021). Available at: <<https://www.unep.org/news-and-stories/statements/joint-statement-united-nations-entities-right-healthyenvironment>> accessed on: 30 Apr. de 2022.

<sup>23</sup> David R Boyd, 'The Environmental Rights Revolution: A Global Study of Constitutions, Human Rights and the Environment' (University of British Columbia Press, 2012).

<sup>24</sup> United Nations (UN), 'The human right to a clean, healthy and sustainable environment: resolution / adopted by the General Assembly'. Available at: <<https://digitallibrary.un.org/record/3983329?ln=en>> accessed on: 20 Apr. 2023.

<sup>25</sup> WWF-Brazil, 'Structural Violation of the Right to a Clean, Healthy and Sustainable Environment Perpetrated by the Brazilian Government: A Submission on Environmental Destruction, Climate Change and Human Rights Abuses in Brazil' (WWF, 2022).

<sup>26</sup> United Nations (UN), 'Declaration of the 1972 United Nations Conference on the Human Environment. Available at: <<https://legal.un.org/avl/ha/dunche/dunche.html>> accessed on: 05 Apr. 2023.

right<sup>27</sup>). The Sustainable Development Goal - SDG 3, of the UN's 2030 Agenda for Sustainable Development, aims to ensure universal access to quality health services and promote well-being for all, at all ages. One of the specific targets of this SDG is a significant reduction in the number of deaths and diseases attributable to air pollution<sup>28</sup>). Similarly, SDG 11, which aims to make cities and communities more sustainable, sets a goal of reducing the negative environmental impact of cities, with special attention to air quality. Therefore, it is crucial that States implement actions and public policies aimed at environmental preservation and reduction of air pollution, in respect to the R2HE, other universal human rights, and commitments made by States at the international level. The rampant forest fires in the Amazon represent a serious threat to the right to a clean air, considering their detrimental effects on air quality and human health. In Amazonas, a significant 87% of hospitalizations from 2010 to 2020 were attributed to high levels of smoke exposure, including both respirable and inhalable particles. Furthermore, respiratory ailments linked to elevated concentrations of fire pollutants were responsible for a substantial 70% of hospital admissions recorded in the states of Pará, Mato Grosso, Rondônia, and Amazonas<sup>29</sup>).

15. *Sustainable forest management.* Forest conservation is one of the main mitigations and adaptation actions to climate change by the United Nations Framework Convention on Climate Change (UNFCCC) of 1992, the Paris Agreement of 2015, and the objectives of the 2030 Agenda, as a measure for the reduction of Greenhouse Gas (GHG) emissions and preservation of biodiversity. Forests are home to more than half of the world's terrestrial species of animals, plants, and insects. They mitigate the effects of climate change due to their ability to remove carbon from the atmosphere and store it, which is called forest mitigation. This mitigation prevents and reduces the emissions of greenhouse gases that retain heat in the atmosphere, which, in turn, prevents the planet from warming to more extreme temperatures, known as climate change mitigation<sup>30</sup>). Globally, air pollution induced by wildfires is associated with about 340,000 premature deaths from respiratory and cardiovascular problems and

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<sup>27</sup> United Nations (UN), 'UN General Assembly declares access to clean and healthy environment a universal human right'. Available at: <<https://brasil.un.org/pt-br/sdgs/11>> accessed on: 05 Apr. 2023.

<sup>28</sup> United Nations (UN), 'The Sustainable Development Goals in Brazil / Health and well-being'. Available at: <<https://brasil.un.org/pt-br/sdgs/3>> accessed on: 05 Apr. 2023.

<sup>29</sup> Op. Cit. Hacon, S. S. et al. (2021).

<sup>30</sup> United Nations (UN), 'Why do forests matter?'. Available at: <<https://www.unep.org/explore-topics/forests/why-do-forests-matter>> accessed on: 05 Apr. 2023.

the negative economic effects of forest fires are increasing<sup>(31)</sup>. SDG 15 of the 2030 Agenda aims to protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss. One of the essential targets of this SDG is to halt deforestation, recover degraded forest areas, and substantially increase reforestation and afforestation initiatives on a global scale. Limiting the average global temperature increase will be impossible without the fundamental role of forests, both due to the large reductions in emissions that can be achieved with the end of deforestation, and due to the additional carbon that can be sequestered through improved forest management and reforestation. Therefore, forest protection and combating wildfires are essential to protect biodiversity, in respect to the R2HE and other universal human rights.

16. *Clean environments (non-toxic environments)*. States must ensure clean and safe environments, free of toxic substances, for their inhabitants, both by refraining from certain behaviors and by carrying out specific services. Negative actions consist of refraining from generating and spreading pollutants through their own agencies and services, while positive actions consist of the obligation of States to produce laws to fight pollution and to ensure their effectiveness. In this sense, it is crucial that States enforce environmental laws when polluters violate these norms, ensuring the validity of the norm and the expectations of society.

17. *Safe climate*. A secure climate is a fundamental right derived from the objective of the FCCC, which aims to ‘prevent dangerous anthropogenic interference with the climate system<sup>(32)</sup>.’ The Paris Agreement further enhances the FCCC’s objective by stipulating a global temperature increase limit - ‘substantially below 2°C’ with an ambition to achieve 1.5°C<sup>(33)</sup>. Consequently, it is clear that the right to a stable climate would be violated if global temperatures rise beyond these thresholds. In a joint declaration in 2019, five human rights treaty bodies expressed concern that States’ current contributions are inadequate to restrict global warming to 1.5°C. Utilizing 1.5°C as the benchmark in the human rights context effectively puts into action the

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<sup>31</sup> United Nations (UN), ‘As Wildfires Increase, Integrated Strategies for Forests, Climate and Sustainability Are Ever More Urgent’. Available at: <<https://www.un.org/en/un-chronicle/wildfires-increase-integrated-strategies-forests-climate-and-sustainability-are-ever-0>> accessed on: 05 Apr. 2023.

<sup>32</sup> Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, A/74/161 (15 July 2019), 43.

<sup>33</sup> Paris Agreement, Art 2(1)(a).

lower end of the temperature goal outlined in the Paris Agreement. This methodology is increasingly being advocated in national and regional courts, reflecting the emerging consensus on the 1.5°C temperature goal in the 2021 Glasgow Climate Pact.

18. *Healthy and sustainably produced food.* The right to food, which has been universally acknowledged for a long time as part of the ‘Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights’ as a component of the right to a decent standard of living, is crucial. In this context, realizing this right involves safeguarding food production and consumption systems in harmony with the preservation of habitats and biodiversity. The right to healthy and sustainable food is deeply violated whenever the state's negligence in combating forest fires impacts the agricultural lands of indigenous and traditional communities.

19. *Safe water and adequate sanitation.* In November 2002, the United Nations Committee on Economic, Social and Cultural Rights adopted its General Comment No. 15 on the right to water, stating that: “*Water is a limited natural resource and a public good fundamental for life and health. The human right to water is indispensable for leading a life in human dignity. The human right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses*”<sup>34</sup>.” Access to safe drinking water and basic sanitation is a fundamental right, not a commodity or service provided out of charity. In 2010, the United Nations General Assembly, through Resolution A/RES/64/292, declared clean and safe water and sanitation a fundamental human right essential for the full enjoyment of life and all other human rights. Safe drinking water and adequate sanitation are crucial for poverty reduction, sustainable development, and the pursuit of each and every one of the Sustainable Development Goals of the UN’s 2030 Agenda. The forest fires in the Amazon can affect the formation of rain clouds and contribute to the worsening of the dry season. Thus, the omission in combating these fires also violates the right to clean water, as indigenous and traditional communities in the Amazon rely on river waters and rainfall for their most basic activities.

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<sup>34</sup> United Nations. ‘General Comment No. 15: The Right to Water (Arts. 11 and 12 of the Covenant)’. Available at: <<https://www.refworld.org/docid/4538838d11.html>> accessed on: 15 Oct. 2023.

20. *Access to environmental information.* Access to environmental information is considered a political and civil right within the scope of human rights, and it is crucial to ensure R2HE. This right includes the duty of States to publish documents related to the environment that are in their possession and not subject to secrecy, as well as the right of any person to request access to specific environmental information. Access to information is a widely recognized human right and is essential for people to protect and defend their human rights against potentially harmful environmental impacts. Thus, it is essential that States recognize the obligation to provide relevant information about the environment to their citizens, especially data on environmental threats, policies, government actions, and other processes of environmental degradation<sup>(35)</sup>.

#### IV. BRAZILIAN STATE'S VIOLATION OF THE RIGHT TO A HEALTHY AND SUSTAINABLE ENVIRONMENT

21. According to data from MapBiomas, the Amazon was responsible for about 70% of all the area burned in Brazil in the first half of 2023<sup>(36)</sup>, and in the accumulated of the year, the biome registers about 60 thousand fire outbreaks<sup>(37)</sup> (elaboration in Annex C). This year, the wildfires that occurred in Canada and Greece made the covers of international newspapers and the UN website, and several countries made available international aid to contain the advance of these fires<sup>(38,39)</sup>. Promptly, these countries mobilized thousands of firefighters and national and international professionals to help fight wildfires, in addition to articulating international aid to receive specialized equipment, such as water bombers and helicopters<sup>(40,41)</sup>. It should be noted that, after a request from the Canadian government, Brazil sent 104 agents to act in combating fires

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<sup>35</sup> WWF-Brazil, 'Structural Violation of the Right to a Clean, Healthy and Sustainable Environment Perpetrated by the Brazilian Government: A Submission on Environmental Destruction, Climate Change and Human Rights Abuses in Brazil' (WWF, 2022).

<sup>36</sup> Agência SEBRAE Notícias. 'Brazilian startup fights forest fires in the Amazon with an unprecedented solution'. Available at: <<https://umsoplaneta.globo.com/financas/negocios/noticia/2023/09/03/startup-brasileira-combate-incendios-florestais-na-amazonia-com-solucao-inedita.ghtml>> accessed on: 15 Aug. 2023.

<sup>37</sup> Guilherme Grandi. 'Fires in AM in September reach the second worst month in the historical series'. Available at: <<https://www.gazetadopovo.com.br/republica/queimadas-amazonas-setembro-segundo-pior-mes-serie-historica/>> accessed on: 05 Oct. 2023.

<sup>38</sup> United Nations. 'UNICEF urges support for children, as wildfires rage across Greece'. Available at: <<https://news.un.org/en/story/2023/08/1140212>> accessed on: 15 Oct. 2023.

<sup>39</sup> United Nations. 'UN Chronicle: as wildfires increase, integrated strategies for forests, climate and sustainability are ever more urgent'. Available at: <<https://www.un.org/esa/forests/news/2023/07/un-chronicle-as-wildfires-increase-integrated-strategies-for-forests-climate-and-sustainability-are-ever-more-urgent/index.html>> accessed on: 15 Aug. 2023.

<sup>40</sup> The Guardian. 'EU sends water bombers to help fight wildfires around Athens'. Available at: <<https://www.theguardian.com/world/2023/jul/18/eu-sends-water-bombers-to-help-fight-wildfires-around-athens>> accessed on: 04 de Nov. 2023.

<sup>41</sup> Swissinfo. 'Swiss army helicopters deployed to extinguish forest fires in Greece'. Available at: <<https://www.swissinfo.ch/eng/business/swiss-army-helicopters-deployed-to-extinguish-forest-fires-in-greece/48780984>> accessed on: 04 de Nov. 2023.

in Canada<sup>(42)</sup>. Unfortunately, despite all the importance of the Amazon to the world, the large-scale fires that are spreading rampantly in the region have not received the same international attention and coverage as the fires that occurred in those countries. In contrast to this dynamic of international collaboration, the Brazilian Government, so far, has not requested or articulated any international aid.

22. While Canada, Greece, and the United States quickly sent financial resources to their states/provinces and mobilized their national security forces and armies to help fight the wildfires that hit their territories<sup>(43)</sup>, the Brazilian Government, so far, has limited itself to sending about 300 professionals to help fight the forest fires in the Amazon<sup>(44)</sup>. The structure of the National Center for Prevention and Combat of Forest Fires - Prevfogo (Portuguese acronym), a division of the Brazilian Institute of Environment and Renewable Natural Resources - IBAMA (Portuguese acronym), is minimal given the dimensions of the fires in the Amazon. On average, the Federal Government has one Prevfogo agent for every area equivalent to 13.1 thousand soccer fields<sup>(45)</sup>. Dear Special Rapporteurs, no greater efforts are needed to find that, so far, the Brazilian Government's response is insufficient and is out of step with the seriousness of the facts presented in this submission. Meanwhile, the residents of Manaus continue to be suffocated by the toxic smoke from forest fires, being compelled to wear masks and restrict their outdoor activities, in a scenario that refers to the measures adopted during the COVID-19 pandemic. The management incapacity and omission of the Brazilian Government in relation to the fight against forest fires in the Amazon are clear. It is crucial that the international community knows that the Brazilian Amazon is facing an alarming situation and needs human resources and equipment to fight forest fires.

23. For months, the scientific community has been warning that *El Niño* would intensify the crisis in the Amazon in 2023. The federal agencies responsible for environmental protection admit to a lack of planning on the part of the Brazilian

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<sup>42</sup> PODER360. 'Brazil to send aid to Canada to fight forest fires'. Available at: <<https://www.poder360.com.br/governo/brasil-enviara-ajuda-ao-canada-para-combate-a-incendios-florestais/>> accessed on: 15 Aug. 2023.

<sup>43</sup> Luis Martinez. 'How the US military is helping put down Hawaii's wildfires'. Available at: <<https://abcnews.go.com/US/us-military-helping-put-hawaiis-wildfires/story?id=102197027>> accessed on: 15 Aug. 2023.

<sup>44</sup> Brazil, Ministry of Environment and Climate Change. 'Federal government doubles total number of firefighters in Amazonas to 289'. Available at: <<https://www.gov.br/mma/pt-br/noticias/governo-federal-dobra-brigadistas-no-amazonas-para-289>> accessed on: 15 Aug. 2023.

<sup>45</sup> Paula Ferreira. 'Fires in the Amazon and Pantanal: Ibama has, on average, 1 firefighter for 13,000 soccer fields'. Available at: <<https://www.estadao.com.br/sustentabilidade/queimadas-na-amazonia-e-no-pantanal-ibama-tem-em-media-1-brigadista-para-13-mil-campos-de-futebol/>> accessed on: 15 Aug. 2023.

Government<sup>46</sup>). Despite any ideological, political or partisan divergence, fighting for the preservation of the Amazon and the collective health of its inhabitants is a duty of all. What was expected was that in the face of the seriousness of the facts presented, at least internally, the Brazilian Government would coordinate a coalition with all Brazilian states, aiming to establish a task force dedicated to fighting forest fires in the Amazon, mobilizing resources, the National Public Security Force, the Brazilian Army, aircraft, helicopters and specialized equipment. However, until now, none of these actions have been adopted.

24. In 2017, due to the public security crisis in the State of Rio de Janeiro, the Brazilian Government sent 10,000 men from the National Public Security Force and the Brazilian Army to help the state<sup>47</sup>. Despite the importance of the Amazon and the seriousness of the facts presented, the information disseminated by the press mentions only the sending of a few dozen professionals by the Brazilian Government. Forest fires have caused unprecedented devastation in the Amazon, with significant damage to wildlife and flora, in addition to the emission of millions of tons of greenhouse gases. At this moment, the thousands of fire outbreaks in the biome are suffocating and impacting the lives of more than 10 million people, including traditional communities and indigenous peoples. Therefore, it is necessary for the Brazilian Government to understand that this situation is as or more alarming than the public security crisis that occurred in Rio de Janeiro in 2017.

**25. Given the seriousness of the events presented, it becomes evident that the Brazilian Government is transgressing multiple aspects of the R2HE when it omits the responsibility to protect the Amazon and the collective health of its inhabitants, especially the most vulnerable groups. These omissions are a clear violation of universal human rights and contradict the guidelines and commitments undertaken by Brazil at the international level, contributing to the increase of air pollution and environmental degradation.**

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<sup>46</sup> Estadão. 'With record fires and smoke in Amazonas, Lula's government skates in the fight against the crisis'. Available at: <<https://www.gazetadopovo.com.br/república/queimadas-am-recorde-outubro-ibama-reconhece-falta-estrutura/>> accessed on: 08 de Nov. 2023.

<sup>47</sup> Maria Martín. 'Temer authorizes Armed Forces in Rio, but minister warns: "Don't expect miracles"'. Available at: <[https://brasil.elpais.com/brasil/2017/07/28/politica/1501264807\\_474459.html](https://brasil.elpais.com/brasil/2017/07/28/politica/1501264807_474459.html)> accessed on: 15 Oct. 2023.

26. At the state level, it is crucial for the states of Amazonas and Pará to invest in advanced systems for monitoring air quality and early detection of extreme weather events in the Amazon, as well as in strategies for adapting to climate change. The states cannot continue to passively wait for the arrival of extreme climatic events to start acting. Reducing the negative impacts of extreme climatic events in the Amazon essentially requires investments in prevention and monitoring measures, infrastructure, scientific research, strengthening of protection and inspection bodies, land regularization, combating illegal deforestation, reforestation and conservation programs, in addition to stimulating the green economy. Therefore, it is essential that the governors politically articulate for the promotion of public policies that address these issues. In addition, the states need to immediately establish, in partnership with the Brazilian Government, an emergency response protocol for immediate intervention, including with the request for international help. However, the defendants have limited themselves to attributing reciprocal responsibilities. The Government of Amazonas claims that the smoke is the responsibility of Pará, as it originates in that state<sup>48</sup>. In turn, the Government of Pará denies this information<sup>49</sup>. Meanwhile, the health of millions of people continues to be seriously harmed by the toxic smoke that invade the urban areas of both states.

27. As mentioned, in October 2023, Pará was the Brazilian state with the highest number of fires, registering more than 11,150 fire outbreaks. According to the Secretariat of Environment and Sustainability of Pará - SEMAS (Portuguese acronym), a total of 230 military firefighters are working to combat the fires in the region. Performing a simple calculation, individually, each professional would be in charge of fighting approximately 50 fire outbreaks. It is unacceptable that such a reduced contingent of professionals is in charge of such a hard task of such complexity and importance. The governors of Amazonas and Pará maintain direct communication with the highest authorities in Brazil, with all the possibilities of coordinating, in collaboration with the municipalities, state governments, and the Brazilian Government, the mobilization of human resources and specialized equipment to combat forest fires. The passivity and omission of the elected representatives in the

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<sup>48</sup> Raimundo de Holanda, 'Smoke in Manaus. Blame Pará'. Available at: <<https://www.portaldoholanda.com.br/bastidores-da-politica/fumaca-em-manaus-culpa-do-para>> accessed on: 01 de Nov. 2023.

<sup>49</sup> Lucas Albarado, 'Government of Pará says it is not a source of smoke in Manaus'. Available at: <<https://www.diariodacapital.com/materias/governo-do-para-afirma-que-nao-e-fonte-de-fumaca-em-manaus>> accessed on: 01 de Nov. 2023.

face of this calamity situation are unacceptable. The inhabitants of the Amazon do not deserve to breathe this toxic smoke.

28. The absence of warnings from the Government of the City of Manaus regarding the arrival of toxic smoke clouds left more than two million people unprepared, struggling on their own to protect themselves from the smoke. The first statements from the local government about air quality occurred after the great repercussion of the situation in the press and on social networks, when the air quality in Manaus had already deteriorated significantly. In fact, the population was taken by surprise as the intensity of the smoke increased day after day, without any warning or action plan from the local government. The dense toxic smoke invaded homes, including indoor environments, causing severe damage to the health and well-being of the population. Official data show a substantial increase in demand for medical care related to respiratory problems and suspicions of death<sup>(50,51)</sup>. Three years after Manaus became an epicenter of the COVID-19 pandemic, with failures at all levels of government, the absence of timely alerts, useful guidelines and concrete action on the part of the city authorities is especially disturbing.

29. Respectfully, noble Special Rapporteurs, without going into details of a political nature, it is important to mention that the Mayor of Manaus, David Almeida, garnered national notoriety for utilizing public funds to participate in a marathon in Barcelona, Spain. According to him, the use of public resources was necessary to promote a marathon in Manaus. Without issuing judgments, it was reasonable to expect that the mayor would demonstrate a much greater commitment in the dissemination of a problem that puts at risk the health of the entire population. Unfortunately, by asserting that the toxic smoke does not originate in Manaus, the local government has confined itself to adopting an extremely passive and omissive stance.

30. The local government could have sought integrated data management to anticipate the arrival of toxic smoke, enabling early and effective communication about any public health emergencies, not limited to social media. In addition, the local

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<sup>50</sup> Aléxia Sousa. 'Smoke in Manaus causes an increase in SAMU visits, says Health Secretary'. Available at: <<https://www1.folha.uol.com.br/ambiente/2023/10/fumaca-em-manaus-provoca-aumento-nos-atendimentos-pelo-samu-diz-secretaria-de-saude.shtml>> accessed on: 15 Nov. 2023.

<sup>51</sup> D24AM. 'Smoke may have worsened health condition and led to the death of a young man in Manaus'. Available at: <<https://d24am.com/amazonas/fumaca-pode-ter-agravado-quadro-de-saude-e-levado-jovem-a-morte-em-manaus/>> accessed on: 15 Oct. 2023.

administration could have acted quickly to distribute masks to the most vulnerable communities. The city mayor could have explicitly appealed to private companies to allow workers to stay home during the most intense days of pollution. The city authorities could have coordinated with the Amazonas Government to use state announcements, including billboards, to communicate important information about the smoke and how to protect themselves. Furthermore, the local administration could have more effectively mobilized its secretariats to help the population to deal with this exposure to toxic smoke. The immense municipal government has the capacity to do more to help the people in addressing these challenges.

31. It is important to contextualize that the Mayor of Manaus, by administrating the most populous city in the Amazon, maintains direct relations with the highest authorities in Brazil, including the President of the Republic, state ministers, the President of the Brazilian Senate, the President of the Chamber of Deputies, as well as the governors of the states<sup>(52, 53)</sup>. Thus, it is unacceptable that the only response from the city administration to the population is to pass the responsibility onto others, such as the small towns near Manaus<sup>(54)</sup>. Regardless of the origin of the smoke clouds, once they impact the collective health of the Manaus population, all coordination efforts must be carried out, even if small, and the population must be publicly informed about all actions taken by the city authorities. The population of Manaus does not deserve omission and should not continue to suffer the effects of the toxic smoke for even one more day.

**32. Therefore, the presented facts demonstrate that the Brazilian State, across all levels of government, is continuously and systematically violating the rights to clean air, life, well-being, R2HE and others human rights, when it omits the responsibility to preserve the forest and to protect the collective health. These omissions pose a severe threat to universal human rights, contradicting the guidelines and commitments internationally assumed by Brazil and contributing to the escalation of air pollution levels and environmental degradation.**

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<sup>52</sup> ACRÍICA. 'David Almeida meets with Bolsonaro to discuss support in the second round'. Available at: <<https://www.acritica.com/geral/david-almeida-se-reune-com-bolsonaro-para-tratar-de-apoio-no-segundo-turno-1.283530>> accessed on: 14 Oct. 2023.

<sup>53</sup> Government of the City of Manaus. 'David Almeida meets with candidate for president of the Federal Chamber'. Available at: <<https://www.manaus.am.gov.br/noticias/prefeito/david-almeida-se-reune-com-candidato-a-presidencia-da-camara-federal/>> accessed on: 20 Oct. 2023.

<sup>54</sup> Government of the City of Manaus. 'Manaus Government warns that almost 60 fires in the interior cause smoke in Manaus'. Available at: <<https://semmas.manaus.am.gov.br/prefeitura-alerta-que-quase-60-focos-de-queimadas-no-interior-causam-fumaca-em-manaus/>> accessed on: 15 Nov. 2023.

33. The Brazilian State, by ignoring dozens of information requests sent by the congressman who produces this submission and by other constituted authorities, reduces access to environmental information and popular participation in environmental decision-making processes, violating fundamental pillars of the R2HE. The widespread omissions have significantly contributed to the marked escalation of environmental degradation processes and the deterioration of collective health. Respectfully, we urge the Special Rapporteurs to consider the experts' warning that if the anomalous warming of the Atlantic persists, extreme conditions in the Amazon may continue until mid-2024<sup>(55)</sup>. In this sense, the lives of thousands of people and animals depend on a more concrete action from Brazil, which involves increasing international pressure, especially from the UN, on the issues presented.

**34. Given the chaotic scenario outlined, we have no alternative but to report the Brazilian State to the international community for the collapse in air quality and the damages caused to the environment and the health of the population. The omissions presented have led to a significant increase in environmental degradation in recent years and constitute a serious violation of the Human Right to clean air, Life, well-being, and to a healthy and sustainable environment. This situation demands the urgent attention from the United Nations Special Rapporteurs.**

## V. RECOMMENDATIONS

35. Respectfully, we request that the respective Special Rapporteurs investigate the violations compiled in this submission and demand that the Brazilian State immediately cease the wrongful conducts and take measures to prevent future violations of the R2HE and other universal human rights related, and repair the harm caused, recommending:

- a) The Brazilian Government to immediately adopt all necessary measures to combat the advancement of forest fires in the Amazon, including the use of the National Public Security Force and the Brazilian Army, in addition to other permanent preventive actions for the conservation of the Amazon;

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<sup>55</sup> Government of the City of Manaus. 'Manaus Government warns that almost 60 fires in the interior cause smoke in Manaus'. Available at: <<https://semmas.manaus.am.gov.br/prefeitura-alerta-que-quase-60-focos-de-queimadas-no-interior-causam-fumaca-em-manaus/>> accessed on: 15 Oct. 2023.

- b) The Brazilian Government to urgently coordinate a coalition with all Brazilian states, aiming to establish a task force dedicated to fighting fires in the Amazon, mobilizing as many human resources and specialized equipment as possible;
- c) The Brazilian Government to formally and immediately request the support of the international community, aiming to receive firefighters and other international professionals, in addition to specialized equipment, such as water bombers and helicopters, to help fight forest fires in the Amazon;
- d) The Brazilian Government to urgently articulate to reinforce inspection actions and legislation related to the use of fire in areas destined for agriculture in the Amazon, aiming to curb illegal and irresponsible practices, and to promote incentives for the adoption of more sustainable practices;
- e) The Brazilian Government to immediately carry out, in cooperation with the states of Amazonas and Pará, and with the support of the international community, more investments in advanced monitoring and early detection systems for forest fires in the Amazon within the Prevfogo framework, with advanced technologies, such as satellites, drones, sensors and camera systems, aiming to identify in advance the region most susceptible to these events;
- f) The Brazilian Government to urgently promote, in partnership with the states of Amazonas and Pará, investments in infrastructure for protection and inspection agencies, scientific research and stimulation of the green economy;
- g) The Brazilian Government to immediately develop, in cooperation with the states of Amazonas and Pará, a strategic plan for the environmental recovery of the areas affected by wildfires, aiming to mitigate the impacts on regional biodiversity;
- h) The Brazilian Government to urgently establish, in partnership with the states of the Brazilian Amazon, a quick intervention protocol, aiming to facilitate the rapid dispatch of human resources and equipment to the most affected regions;

- i) The Brazilian Government to immediately carry out, in cooperation with the states, the promotion of land regularization, aiming to combat illegal deforestation in the Amazon;
- j) The Governments of the States of Amazonas and Pará to urgently request and press the Brazilian Government to deploy the National Public Security Force and the Brazilian Army to the Amazon region, along with specialized equipment to aid fight against forest fires;
- k) The Governments of the States of Amazonas and Pará to immediately request and coordinate assistance from other Brazilian states for the deployment of human resources and specialized equipment to aid in the fight against forest fires in the Amazon;
- l) The Governments of the States of Amazonas and Pará to immediately invest in preventive measures and strategies for adaptation to climate change, aiming to enhance the integration and institutionalization of monitoring tools and prediction systems for forest fires and other extreme weather events;
- m) The Governments of the States of Amazonas and Pará to urgently proceed with the mapping of the communities most affected by wildfires and drought, especially indigenous populations, aiming at optimized coordination and efficient direction in the distribution of resources, such as water, food, masks, human resources and the implementation of other important measures, such as the anticipation of drilling wells at strategic points;
- n) The Governments of the States of Amazonas and Pará to immediately coordinate in partnership with the Brazilian Government and municipalities, the use of their spaces on open TV, social media, billboards and other available communication channels, to alert the population about the harms of toxic smoke and the main forms of protection available;
- o) The Governments of the States of Amazonas and Pará to urgently adopt, in cooperation with the Brazilian Government and municipalities, the necessary measures for reforestation and environmental recovery of the areas affected by wildfires;

- p) The Government of the City of Manaus to immediately implement an integrated data management system to anticipate the arrival of toxic smoke and other extreme weather events in the city, and improve communication about public health emergencies beyond social media;
- q) The Government of the City of Manaus to quickly distribute masks for protection against toxic smoke to the most vulnerable communities on days of intense pollution, and explicitly request private companies to allow workers to stay home during these days;
- r) The Government of the City of Manaus to urgently coordinate, in partnership with all levels of government, the use of announcements to communicate essential information about the arrival of toxic smoke and the harms to human health and the available protection measures;
- s) The Brazilian Government, the governments of the states of Amazonas and Pará, as well as the Government of the City of Manaus, to immediately ensure the access of the population and the constituted authorities to all information and matters that affect the right to clean air and a healthy and sustainable environment.

## ANNEX A

### *Manaus is Suffocating: The Deterioration of Air Quality in Manaus*

1. The toxic smoke from the forest fires in the Amazon is so intense that, for several days, it blanketed the entire city of Manaus, ranking it among the worst in the world for air quality<sup>(56)</sup>. The deterioration of air quality has reached an unhealthy level<sup>(57)</sup>. In addition to impairing breathing, the toxic smoke compelled the population to wear masks and stay at home, with doors and windows closed, measures similar to those adopted during the COVID-19 pandemic.

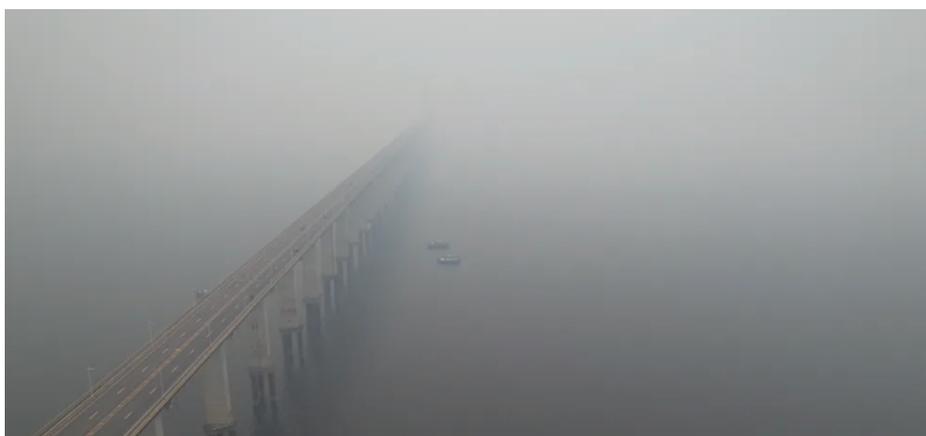


Photo: William Duarte/ Rede Amazônica

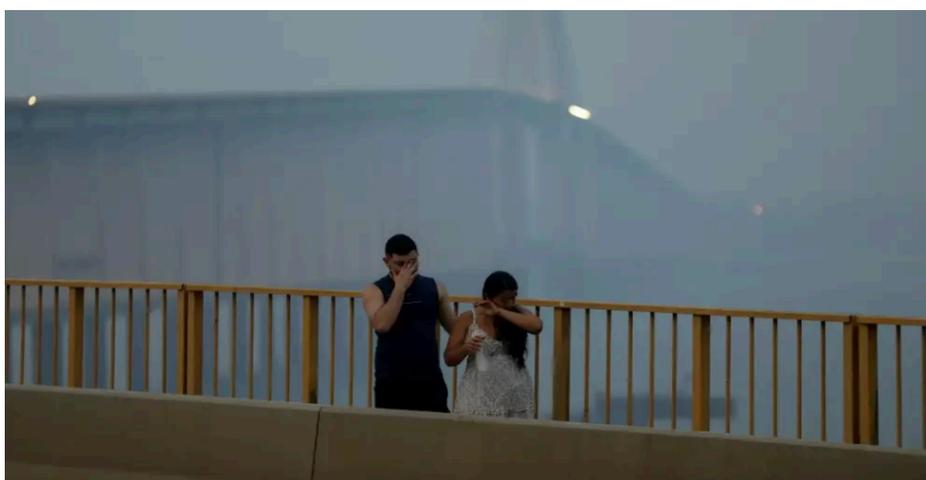


Photo: AFP/Exame

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<sup>56</sup> Matheus Castro. 'Smoke that shrouds Manaus comes from the metropolitan region of the capital and is caused by farmers, says Ibama'. Available at: <<https://g1.globo.com/am/amazonas/noticia/2023/10/11/fumaca-que-encobre-manaus-vem-da-regiao-metropolitana-da-capital-e-e-causada-por-agropecuaristas-diz-ibama.ghtml>> accessed on: 15 Oct. de 2023.

<sup>57</sup> Mário Adolfo Filho. 'Manaus is engulfed in smoke; Even the sun has disappeared'. Available at: <<https://marioadolfo.com/manaus-e-tomada-por-fumaca-at/>> accessed on: 15 Oct. de 2023.



Photo: Ricardo Oliveira/Revista Cenarium Amazônia



Photo: Mário Adolfo Filho



Photo: BandNews Difusora/Band

2. In Manaus, the level of air pollution is classified as hazardous and poses a danger to health, according to the Air Quality Index (AQI) platform. The violation of rights to clean air, life, health, well-being, and a healthy and sustainable environment (R2HE) has persisted for four long months. Since July, the population has been denouncing on social medias the advance of toxic smoke and the increase in respiratory problems, such as nosebleeds, runny nose, burning eyes, and dry throat. The Municipal Health Department reported a growth of about 25% in treatments for respiratory causes in the first 10 days of October<sup>(58)</sup>.



Photo: Sandro Pereira



Source: Social media/X

<sup>58</sup> G1 Amazonas. 'More than 20 Ibama firefighters will fight fires in cities near Manaus'. Available at: <<https://g1.globo.com/am/amazonas/noticia/2023/10/03/mais-de-20-brigadistas-do-ibama-vao-combater-queimadas-em-cidades-proximas-a-manaus.ghtml>> accessed on: 15 Oct. de 2023.



Source: Air Quality Index

3. When inhaled, the particles emitted by the fires cause DNA damage and cell death in human lung tissue<sup>(59)</sup>. According to the WHO, 7 million premature deaths annually are attributed to air pollution. It is noteworthy that most of the particles emitted by the wildfires are fine, and can be transported over long distances over thousands of kilometers. This implies that emissions from the Amazon can reach distant regions. In this sense, studies point out that the smoke from forest fires affects a significantly larger part of the population compared to direct exposure to fire. In addition, this smoke can result in a considerably higher number of fatalities compared to fatalities caused by the fire itself<sup>(60)</sup>.

4. The reports are alarming. *"The doors were closed, but the smoke had entered and it seemed like there was a lot of 'fog' inside my house. I could hardly see"*, described receptionist Carla Bindá, a resident of the Novo Aleixo neighborhood. At a city port, it was almost impossible to see the boats. Many pilots navigate using only GPS because there is no visibility, significantly increasing the risk of accidents<sup>(61)</sup>.

<sup>59</sup> Brazilian Society of Physics. 'Particles from fires cause damage to human lungs'. Available at: <<https://sbfisica.org.br/v1/sbf/particulas-de-queimadas-causam-danos-ao-pulmao-humano/>> accessed on: 15 Oct. de 2023.

<sup>60</sup> Batdorf, Brianna, and Tara K. McGee. "Wildfire Smoke and Protective Actions in Canadian Indigenous Communities." *Atmosphere* 14.8 (2023): 1204.

<sup>61</sup> Jornal Nacional. 'Smoke from fires covers Manaus for the second day in a row'. Available at: <<https://g1.globo.com/jornal-nacional/noticia/2023/10/12/fumaca-de-queimadas-cobrem-manaus-pelo-segundo-dia-consecutivo.ghtml>> accessed on: 15 Oct. de 2023.

5. The population of Manaus has never experienced such a prolonged and hazardous situation in relation to air quality as the current one. For more than four months in dangerous conditions caused by smoke, the population is being forced to live with this toxic environment that gradually harms collective health. The real impacts are immeasurable, with consequences that may manifest in the coming years or decades.

6. From an economic point of view, toxic smoke has caused significant damage to the local economy. As a consequence of the dense clouds of smoke in Manaus, merchants and sellers have already observed a drop in movement on the most important dates of the year<sup>62</sup>. During TEDEx Amazônia, an event about sustainable development in the Amazon, the most impactful presence was the smoke. Reporter Tatiana Schibuola says that *"when unpacking my suitcase, I realize that all the clothes smell like a bonfire — I didn't attend any luau. I was returning from my first trip to Manaus, in the middle of the Amazon. In the three days I was there, the air remained full of smoke"*<sup>63</sup>.

7. Noble Special Reporters, the population of Manaus implores for the action of the UN in order to demand concrete and proportional actions in the fight against forest fires in the Amazon. There are more than 10 million inhabitants, including the elderly, children, and people in risk groups, who are being suffocated daily by toxic smoke. The aim is for the Brazilian State to coordinate and articulate both internationally and nationally, with UN support, to control the forest fires and restore the air quality standard that the Amazon deserves.

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<sup>62</sup> JCAM. 'Smoke and weather impacted sales of face-to-face commerce in Manaus'. Available at: <<https://www.jcam.com.br/noticias/fumaca-e-clima-impactaram-vendas-do-comercio-presencial-de-manau>> accessed on: 15 Oct. de 2023.

<sup>63</sup> Tatiana Schibuola. 'At TEDx Amazônia, the most impactful presence was that of the smoke over Manaus'. Available at: <<https://www.uol.com.br/ecoa/colunas/opinio/2023/11/08/no-tedx-amazonia-a-presenca-mais-impactante-foi-a-fumaca-sobre-manau.htm>> accessed on: 15 Oct. de 2023.



Photo: Sandro Pereira/Fotoarena/Estadão



Photo: Fotoarena/Agência O Globo



Photo: CNN Brasil

## ANNEX B

### *The Threat to Indigenous Peoples*

1. The Amazon is one of the most valuable natural heritages of all humanity and the largest natural reserve on the planet. For a long time, the Amazon Rainforest has been recognized as a repository of ecological services, especially for indigenous peoples and local communities. Approximately 30 million people live in the region, with about 220 indigenous groups in the Brazilian Amazon, in addition to traditional communities that depend on natural resources to survive<sup>(64)</sup>.

2. The Brazilian Amazon is the territory that inhabits most of the indigenous people of Brazil and Manaus is the city with the most indigenous people in the country. Indigenous communities, which help so much to preserve the Amazon and keep the forest standing, are being forced to breathe and live with the toxic smoke and the constant threat of fire on their homes, plantations, animals, etc., harming their way of life and development. The reports are impressive, according to indigenous leader, Ilair Pereira dos Santos, *“the biggest fear is that it will reach the residences, that it can burn the houses that are very close here to the forest. Our concern is also about the large amount of smoke that has entered, there are elderly people, hypertensive, there are pregnant women, there are children, so this is also a concern, in addition to the fire<sup>(65)</sup>.”*

3. We know that indigenous populations are extremely vulnerable to respiratory infections and, therefore, are disproportionately affected by the toxic smoke from the forest fires. Data from the Indigenous Health Care System – SESAI (Portuguese acronym) show that, among deaths in children under one year, 64.1% were classified as avoidable, with 21.6% due to causes reducible by actions of diagnosis and appropriate treatment, the main cause being respiratory diseases<sup>(66)</sup>.

4. It is crucial to emphasize the extensive impact of the Amazon fires on indigenous communities. Beyond the direct health hazards caused by prolonged

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<sup>64</sup> WWF. ‘Amazon’. Available at: <<https://www.wwf.org.br/nossosconteudos/biomas/amazonia/>> accessed on: 15 Oct. de 2023.

<sup>65</sup> Jornal Nacional. ‘Smoke from fires covers Manaus for the second day in a row’. Available at: <<https://g1.globo.com/jornal-nacional/noticia/2023/10/12/fumaca-de-queimadas-cobrem-manaus-pelo-segundo-dia-consecutivo.ghtml>> accessed on: 15 Oct. de 2023.

<sup>66</sup> SINDMEPA. ‘Preventable respiratory diseases are the leading cause of death among indigenous children’. Available at: <<https://sindmepa.org.br/2023/08/doencas-respiratorias-evitaveis-sao-a-maior-caoa-de-morte-entre-criancas-indigenas/>> accessed on: 15 Oct. de 2023.

exposure to toxic smoke, these populations rely heavily on fish, animals, fruits, plantations, and rivers for sustenance. Consequently, the rampant advance of the forest fires and the severe drought have left numerous communities deprived of both food and water.

5. Surrounded by burned trees in the Camuti community, the Mura indigenous woman Maria Pantoja, still distressed, tells how she lost her plantation, but managed to save her only material good: a straw house. The well without a pump, which requires the descent and ascent of a five-liter bucket tied to a rope, saved the dwelling in the Tauari village, in Autazes. *“We stayed up late at night soaking the straw in water so it wouldn’t catch fire. This fire is something I’ve never seen. It comes from I don’t know where and it’s surrounding us,”* she says, under the hot sun in a smoky sky<sup>(67)</sup>.



Photo: Rosiene Carvalho/Estadão

6. Also in the Tauari village, another group of Mura indigenous people observes the smoke and embers that seem to want to reignite in an area burned a few days ago. *“We have been fighting this for a month. We can’t sleep, we barely have time to eat. The firefighters only came once. In the forest, they can’t operate, so it’s us ourselves, with the help of God,”* says Cleide Mura<sup>(69)</sup>.

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<sup>67</sup> Rosiene Carvalho, ‘Fire on the edges of the BR-319 highway threatens indigenous people in Amazonas’. Available at: <<https://www1.folha.uol.com.br/ambiente/2023/09/fogo-as-margens-da-transamazonica-ameaca-indigenas-no-amazonas.shtml>> accessed on: 03 de Nov. 2023.

7. *“In all the 90 kilometers we walked on the Autazes road we didn’t see anyone from the Fire Department, nobody from the city hall. Total absence.”* The report is from journalist Juliana Silva who accompanied and publicized on social networks the anguish of residents of the Cuia indigenous community to contain the fire that was approaching the houses. *“It’s them for them”*<sup>(68)</sup>. According to data from the Alarms system of the Laboratory of Environmental Satellite Applications of the Federal University of Rio de Janeiro - LASA/UFRJ (Portuguese acronym), it is estimated that Autazes has burned an area equivalent to 41,500 football fields so far. This value represents an increase of 248% compared to the same period last year, when about 11,900 football fields were affected by fire<sup>(69)</sup>.

8. Since July, forest fires have been sweeping the region, with dense toxic smoke invading rural and urban communities around the highway. In the Mura indigenous communities along the Novo Céu branch, the affliction to preserve residences, animals, crops, and lives is visible. Unfortunately, the community could not prevent the loss of important structures, such as the “straw hat”, used for meetings and built about a year ago, and the cassava plantation intended for flour production. Even the fence that delimited the territory, with a plaque from the National Foundation of Indigenous Peoples - FUNAI (Portuguese acronym), did not escape the flames<sup>(69)</sup>.

9. The scenario is chaotic, countless similar reports from dozens of indigenous communities could be listed. A pattern of strong resistance on the part of indigenous peoples is noted, contrasting with the limited action of the Brazilian State. The intervention of the UN becomes imperative and crucial to protect the fundamental rights of indigenous peoples in the face of the uncontrolled advance of fires in the Brazilian Amazon in 2023.

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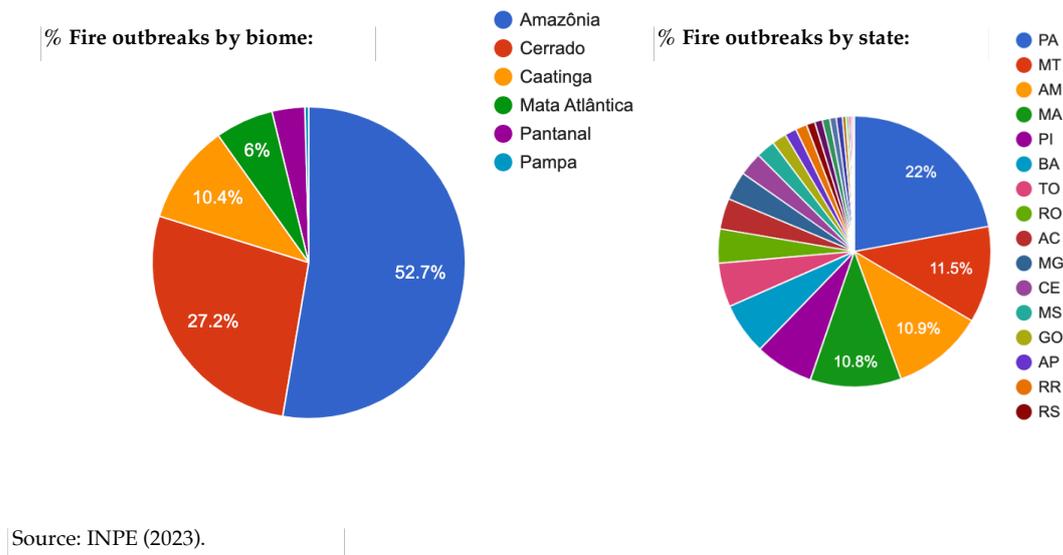
<sup>68</sup> Estadão. ‘At the epicenter of the fire in Amazonas, producers report losses and ask for reinforcement in the fight against the flames’. Available at: <<https://agenciadenoticias.ibge.gov.br/agencia-noticias/2012-agencia-de-noticias/noticias/37565-brasil-tem-1-7-milhao-de-indigenas-e-mais-da-metade-deles-vive-na-amazonia-legal>> accessed on: 15 Oct. de 2023.

<sup>69</sup> Redação Gazeta da Amazônia. ‘On the banks of the BR-319 highway, indigenous communities are devastating’. Available at: <<https://gazetadaamazonia.com.br/28/09/2023/queimadas-br319/>> accessed on: 15 Oct. de 2023.

## ANNEX C

### *Increase in Forest Fires in the Amazon*

1. In 2023, Brazil leads the ranking of monitored fires in South America, with a total of 176,317 hotspots recorded since the beginning of the year. In September alone, the burned area in the country reached 4 million hectares. Among the top ten states with the highest number of fires outbreaks, eight are located in the Amazon region<sup>(70)</sup>.
2. From January to February 2023, the Amazon accounted for 90% of Brazil's fire hotspots, with 487 thousand hectares affected by the flames, according to MapBiomas. In the first half of 2023, the Amazon was responsible for almost 70% of all the area burned in Brazil, with 1.45 million hectares, representing a 14% increase compared to the same period last year<sup>(71)</sup>. In October of this year, the fires had an increase of almost 60% compared to the same period last year.
3. Regarding the number of fire hotspots, so far, the Amazon biome is responsible for 52.7% of the total fire hotspots in Brazil. Only the states of Amazonas and Pará account for more than 1/3 of the total, as reported by INPE.



<sup>70</sup> Cristiane Prizibiszki. 'More than 9 million hectares have already burned in Brazil in 2023'. Available at: <<https://oeco.org.br/noticias/mais-de-9-milhoes-de-hectares-ja-queimaram-no-brasil-em-2023/>> accessed on: 15 Oct. de 2023.

<sup>71</sup> Pedro Jordão. 'Fires fall 1% in Brazil, but grow 14% in the Amazon, says MapBiomas'. Available at: <<https://www.cnnbrasil.com.br/nacional/queimadas-caem-1-no-brasil-mas-crescem-14-na-amazonia-diz-mapbiomas/>> accessed on: 15 Oct. de 2023.

4. The rampant spread of forest fires in the Brazilian Amazon in 2023 is a concerning alert. The population of Amazonas is facing with the worst drought in 121 years, interrupted river transport, a shortage of food and medicine, in addition to frequent smoke clouds in Manaus<sup>(72)</sup>. The president of IBAMA, the main environmental protection and oversight agency in Brazil, admitted that the Brazilian Government structure is insufficient in fighting the fires<sup>(73)</sup>.

5. The Amazon covers 6.7 million km<sup>2</sup>, and if it were a country, it would be the seventh largest in the world, with about 60% of this biome located in Brazilian territory. The fires are affecting millions of hectares in the Amazon. Recently, the Brazilian Government sent about 90 servers with the aim of reinforcing the fight against the high number of fires recorded in the Metropolitan Region of Manaus. From the news reported in the media, Amazonas has, so far, used a single Navy helicopter to combat the advance of the flames<sup>(74)</sup>. Authorities have not yet answered questions about the number of professionals, helicopters, water bombers, and specialized equipment the Brazilian State has to fight forest fires. These numbers are worrying compared to the more than 5,000 international professionals received by Canada to help fight the 2023 fires, and with the more than 100 helicopters used to fight fires just in British Columbia<sup>(75)</sup>.

6. Despite the economic differences between these countries, it was expected that, at the very least, the Brazilian State would request international help. The Amazon is suffocating. If Canada, Greece, United States and other countries have economic conditions, helicopters, water bombers, and human resources specialized in fighting forest fires, then it is necessary for the Brazilian State to ask for support. It is unacceptable that the Brazilian State attempts to combat forest fires in the Amazon with fewer than 600 firefighters and only one helicopter, or that it simply waits for the arrival of the rainy season while millions of people, indigenous populations, flora, and wild fauna are being burned or suffocated. **We need help. We need it yesterday!**

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<sup>72</sup> Redação Oeste. 'Amazonas has a record number of fires'. Available at: <<https://revistaoeste.com/brasil/amazonas-tem-recorde-de-queimadas/>> accessed on: 15 Oct. de 2023.

<sup>73</sup> Paula Ferreira. 'With record fires and smoke in Amazonas, Lula's government skates in the fight against the crisis'. Available at: <<https://www.estadao.com.br/sustentabilidade/com-recorde-de-queimadas-e-fumaca-no-amazonas-governo-lula-patina-no-combate-a-crise/>> accessed on: 15 Oct. de 2023.

<sup>74</sup> Jornal Nacional. 'Amazonas begins using helicopters to fight forest fires aggravated by severe drought. Available at: <<https://g1.globo.com/jornal-nacional/noticia/2023/10/04/amazonas-comeca-a-usar-helicopteros-no-combate-aos-incendios-florestais-agravados-pela-estragem-severa.ghtml>> accessed on: 15 Oct. de 2023.

<sup>75</sup> Dayna Fedy. 'Wildfires in Canada: 100+ helicopters fighting fires in B.C. as province declares state of emergency'. Available at: <<https://verticalmag.com/news/wildfires-in-canada-100-helicopters-in-b-c-as-province-declares-state-of-emergency/>> accessed on: 15 Oct. de 2023.