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Minas Gerais-Brazil, February 28th, 2014

Dear Catarina de Albuquerque ONU Special Rapporteur for the right to water and sanitation

Considering your recent official visit to Brazil, we sent down our contribution for recommendations on violations of Brazil on right to water, from the perspective of artisanal fishers of Minas Gerais and Brazil.

Best regards,

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## **CONTRIBUTION ON VIOLATIONS OF BRAZIL OF RIGHT TO WATER**

### **1. Have you identified any violations of the rights to water and/or sanitation? If yes, please explain.**

The privatization of the Commons has been a serious threat to life and to the guarantee of rights of peoples and traditional communities, among them to water. More recently, the Brazilian State has developed administrative processes of privatization of water, through the transfer of public waters of rivers and seas to private individuals and companies for the purpose of development of industrial aquaculture. These areas are being designated without consulting the people and traditional communities, especially for fishermen, conflicting with life and the way of life of these communities. In June 2013, public edicts were opened for transfer of occupied areas and used traditionally by the communities, without consulting or even public hearing.

Thus, these communities, from North to South, are restricted from accessing the waters or have their water contaminated by pesticides, antibiotics and organic materials that harm not only the health of the population but also of the species present in the waters, the fishery resources.

Another violation of the human right to water, in the perspective of fishermen, arises from the Brazilian economic policy development based on the works of the growth acceleration plan

(PAC). These have expanded ports, which historically in Brazil, are precarious and without serious monitoring and control on the part of environmental agencies, leading to contamination by heavy metals in rivers and seas, rivers and seas species, mostly molluscs and fish and thus strongly impacting the health of the population that consumes or purchase. Flagships are the Bay of Todos-os-Santos (Bahia), mainly related to the functioning of the port of Aratu, in the Bay of Guanabara (Rio de Janeiro), primarily due to Petrobras, in the São Francisco River (North of Minas Gerais), due to Votorantim Metals, in the port of Paranaguá (Paraná) and at the port of Saupe (Pernambuco).

The operating situation of these ports and the carelessness with the effluent, and solid bulk terminals has represented serious impacts to water quality of rivers and sea and, thus, to the health of the aquatic fauna and the general public, without the Brazilian State being concerned, taking control over the actions of companies or responding to claims, especially communities of fishermen who live from their fishing activity.

In the São Francisco River, we identify the enclosure of the River (or limitations on access) for farmers, businesses, clubs and other sportfishing; water pollution of the River from heavy metals, sewage and pesticides of large plantations, among others; construction of hydroelectric dams for irrigation purposes and for large projects such as mining; deforestation of riparian vegetation and destruction of water sources, reducing the volume of water. All these impacts leave their riverside communities without access to the only water that is accessible to them for human consumption and watering of animals, leading to a scarcity of fish or its contamination, produce dryness of sideriver lakes, which act as natural birth parks of various species of fish, and also the drought areas of receding waters, used for planting of traditional families who live along the river San Francisco.

## **2. What do you regard as the structural causes and underlying determinants of the human rights violations you have identified? How do these relate to power relations between various group and sectors of society?**

There are several structural causes:

1. The relationship of the companies with the electoral process, because they finance the campaigns of candidates for local, state and federal level, and then rely on the connivance of the Brazilian State that does not control and does not require effective action planning and organization.
2. Environmental and institutional racism on the part of the Brazilian State, which does not recognize the importance of cultural, social, environmental and economic of traditional communities such as riverside, the vazanteiros and the fishermen and artisanal fishers, among others.
3. Brazil's economic policy, driven by capitalist logic that encourages, fosters and acts as an accomplice of large companies, such as those in the agro-hydro business and mining that, to accumulate profit, exert its activities at the expense of the destruction of the resources of nature, imposing their environmental interests over traditional communities rights.

**3. Have you identifies particular groups that individuals whose rights have been violated disproportionate? Which individuals and groups?**

Traditional communities as a whole and, particularly, fishermen and artisanal fishers that do not have a legal backing in the way that Quilombola communities and indigenous peoples do.

**4. What activities do you undertake to monitor the realization of the human right to water and/or sanitation and alleged violations?**

- Actions before the environmental agencies and prosecutors;
- Support for the mobilization of communities to report violations;
- Empowerment of communities to address violations;
- Participation by the Articulação Popular São Francisco Vivo (APSFV), seeking to add and strengthen popular resistance struggles that exist in the basin;
- Formulation and submission of complaints by the competent agencies, as well as monitoring of these processes;
- Work of basic training with some fishing communities and vazanteiros;
- Follow-up to fishermen and artisanal fishers in an attempt to organize, through the Movimento dos Pescadores e Pescadoras Artesanais do Brasil (MPP).