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Reference: 2ycxftr**Date:** Friday, November 4, 2022**Type:** Human rights violation**Original:** English**Consent:** I am/we are the representative(s) of the alleged victim(s), and I/we have her/his/their consent

Related mandates

- environment
- development

Victims

Name: Communities of the Canudos region, BA, Brazil**Type:** Group**Email:** alvarookura@gmail.com**Telephone:** +55 11 95126 4336**Address:**

The communities are being supported by WWF and the American Bird Conservancy (ABC). Alvaro Okura is in contact with the communities, and his contact details are shared below.

Description of the group/community (including, if relevant, number of members; number of women, men, girls and boys; indicate the group/community leader(s); other facts):

We are a group of about seventy social organizations, community associations, movements, collectives and social groups of the Canudos/BA (Brazil) region and surrounding areas, and we are the main entities involved with the protection of an endangered bird species, Lear's Macaw (*Anodorhynchus leari*), in Brazil and globally.

According to recent estimates, there are about 600 families from several local traditional communities, whose territories are legally recognized by the Brazilian State or in the process of homologation, which are being affected by this illegal construction

Affiliation or activity of group/community: Cultural activity**Occupation of group/community members:** Mostly farmers / livestock owners**Members:** Alvaro Okura (Brazil)

Submitted by

Name: WWF International**Type:** Group**Email:** alvarookura@gmail.com**Telephone:** +55 11 95126 4336**Address:**

Alvaro Okura

Describe the activities of the group/community, civil society or other entity:

WWF is supporting Brazilian organisations to make this complaint and shed light on the risks of human rights violations in Brazil, because of Voltalia's planned activities.

Contact persons of the group/community, civil society or other entity:

Tamara Léger, WWF International

Disclosure

Does the alleged victim(s) or group/community agree to have their name(s) disclosed in a letter that may be sent to the Government, or others, such as intergovernmental organisations including United Nations entities, businesses, military or security companies?

Yes - Yes, because they have already spoken out publicly through press releases

Does the alleged victim(s) agree to have their name(s) appear in a public report to the Human Rights Council?

Yes

Case details

Country where the incident allegedly occurred/is occurring/might occur: Brazil **District:** Canudos, Bahia

Please provide a short chronological summary of the incident: what happened; when (date/time); who was involved?

The enterprise in question is the illegal and accelerated construction by Voltalia Energy of the Canudos Wind Complex, carried out without the proper legal provisions, due respect for environmental legislation, and to the detriment of the rights of traditional populations. The Canudos Wind Complex is a wind energy facility, located in Bahia, Brazil, in an important site for biodiversity – designated as a Key Biodiversity Area and an Alliance for Zero Extinction (AZE) site.

The project does not meet at least three requirements set out in federal law for its implementation, namely:

- i. the preparation of Environmental Impact Studies (EIA),
- ii. the publication of the Environmental Impact Report (RIMA)
- iii. the holding of public hearings with the local population

As has been highlighted by the communities and by technical-scientific reports, the project has significantly affected the livelihoods of traditional populations, due to the deterioration of the caatinga biome, the displacement of families and communities, and the invasion/wrongful appropriation of community and traditional lands. These impacts are on collectively occupied territories and areas of community use. Specific impacts include the loss of areas for livestock grazing due to the fencing off of communal lands, the construction of roads and gates, and restrictions from using communal land. Together these impacts lead to further problems, including overgrazing due to decreased availability of grazing areas, which has both detrimental economic impacts for families and environmental impacts caused by intensive land use that degrades the caatinga. While local communities have requested that their communal lands be recognized as traditional lands of collective use, roughly ¾ of the lands are still awaiting confirmation of this designation. In the meantime, the state government made (legal and normative) decisions to make it easier for the wind project to occupy communal lands in 2020.

According to more recent estimates, there are about 600 families from several local traditional communities, whose territories are legally recognized by the Brazilian State or in the process of homologation, which are being affected by this illegal construction. It must be emphasized that since 2013, it was possible to observe land speculation processes and an increase in deforestation with the announcement of the arrival of the enterprise. By 2021, with the start of construction, it is possible to verify intensification of speculative activities and consequent increase in land prices, land grabbing, suppression of native vegetation, restrictions on the right to come and go of communities and displacement of wild animals. The project also poses threats to Lear's Macaw (*Anodorhynchus leari*), a wild bird endemic to the region, which, at the end of the 1970s, was estimated at only 60 individuals. (see attached for more info).

The Public Ministry of the state of Bahia, Brazil, has recommended the immediate suspension or cancellation of the implementation of the wind project, due to non-compliance with federal legislation and international standards (19/07/2021). In the same vein, in March 2022, the Federal Public Ministry started a Public Civil Action demanding full compliance with the federal legislation. But the company Voltalia, with the consent and protection of the Institute of Environment and Water Resources (INEMA) of the state of Bahia, has continued to execute the project. Right now, the first phase of the construction is completed, the turbines are finished and they're waiting for the state license to start operating, which is why we ask for your urgent attention.

Are there witnesses to the incident? Don't know

Is there evidence or substantiating information concerning the incident? Don't know

Does the alleged victim believe she/he was targeted due to her/his Property status

Has the incident been reported to the relevant authorities? Yes

Please include details of any complaints filed or any other action taken by the alleged victim(s) or anyone else on their behalf?

The company has had the consent and protection of the Institute of Environment and Water Resources (INEMA) of the State of Bahia, and the State has enabled Voltalia to go forward with the project.

Has the Government taken action to prevent or investigate the incident, punish the perpetrators, or ensure compensation to the alleged victim(s)? Yes

What is the status or what has been the outcome of these proceedings?

The Public Ministry of the state of Bahia, Brazil, has recommended the immediate suspension or cancellation of the implementation of the wind project, due to non-compliance with federal legislation and international standards (19/07/2021). In the same vein, in March 2022, the Federal Public Ministry started a Public Civil Action demanding full compliance with the federal legislation. But the company Voltalia, with the consent and protection of the Institute of Environment and Water Resources (INEMA) of the state of Bahia, has continued to execute the project.

Is this case under consideration by any other international or regional body? Don't know

Perpetrators

Please specify the number of alleged perpetrators: 1

Is the identity/occupation of the alleged perpetrator(s) known? Yes

Were the alleged perpetrators State agents or believed to be State agents? Don't know

Name: Private French enterprise: Voltalia

Type: Group

Address:

<https://www.voltalia.com/>

Describe the activities of the group/community, civil society or other entity:

Voltalia is an international player in renewable energies, and a multi-source electricity producer (wind, solar, hydropower and biomass).

Additional information

Please let us know if we can share any additional information.

We thank you very much in advance for your time and consideration of this concerning case.