

South African People's Tribunal on AgroToxins welcomes UN Expert's assessment highlighting human and environmental rights violations

PRESS RELEASE: South African People's Tribunal on AgroToxins

17 August 2023 (3 pages)

The United Nations Special Rapporteur on human rights and toxins, Dr Marcos Orellana, concluded his 12-day exploratory visit to South Africa with a press briefing held in Pretoria on 11 August 2023. He advised the South African government of his [findings](#) that, "to this day, the legacy of pervasive air, water and chemical pollution disproportionately impacts marginalised and poor communities". He touched on several key areas of concern, including 'the deadly air case', the UPL warehouse fire, problematic practices in the mining industry, the need for a just energy transition and the exponential growth in the use of agricultural pesticides.

As Orellana highlighted in the briefing, South Africa prioritises chemically intensive agriculture, underpinned by the Fertilisers, Farm Feeds, Agricultural Remedies and Stock Remedies Act 36 of 1947. The outdated legislation largely neglects the protection of human health and environment, and the sector continues to utilise dangerous agrotoxins that are banned elsewhere. He also found that the agchem industry has an impermissible influence in government affairs and recommended an entire overhaul of the related legislative framework.

During his visit Orellana met with affiliates of the South African People's Tribunal on AgroToxins, a voluntary collaboration of organisations exposing the human and environmental rights violations related to agricultural chemicals. The collaborative includes farm workers, small scale farmers, workers unions, consumer campaigns, mining affected communities, support NGOs, academic experts and legal practitioners. Tribunal affiliates shared with him their lived experience of exposure to hazardous chemicals and air pollutants, the unjust working conditions on farms and highlighted policy, regulatory and enforcement failures in this sector.

Members of the Women on Farms Project (WFP) and the Commercial, Stevedoring, Agricultural and Allied Workers Union (CSAAWU) in the Western Cape, told the Special Rapporteur how the agchem industry is allowed to act with impunity in South Africa, with negligible safeguards enforced to protect farm workers. Similarly, there is little oversight over farm bosses and the way agrotoxins are used on their private property. They shared extensive grievances, including the lack of training regarding the management and effects of agrotoxins, and lack of protective gear, as well as lack of access to washing facilities, ablution stations, health monitoring, medical care and workers' compensation. WFP has been [campaigning](#) for South Africa to ban a list of 67 Highly Hazardous Pesticides (HHPs), which includes pesticides that are highly toxic and responsible for serious injury and illness, long-term debility and, in some cases, fatal outcomes.

Campaigns in both South Africa and the European Union are calling for an end to 'Double Standards' in agrotoxin trade, where toxins that are banned in their country of origin are exported for use elsewhere in the world. Dr Orellana stated that "people's bodies are the same all over the world", and that these

double standards reproduce racist and colonial patterns of colonial exploitation, but in this case, with the assistance of the South African government.

[UnPoison](#), a multi-sectoral advocacy network of experts, institutions, and organisations, met with the Rapporteur in a series of consultations to highlight the many issues governing pesticide use that are putting all South Africans at risk. These include the need to overhaul weak, outdated and ineffective legislation that systematically breach our human rights; to ensure a legitimate, transparent planned process to phase out HHP's with public participation; and removing the secrecy that protects industry and denies public access to critical information, like the national database of registered pesticides which is owned and held privately by CropLife.

Dr Orellana's report highlighted instances of corporate capture and the abdication of responsibility by the government in many instances. A shocking example of corporate impunity highlighted by the Rapporteur is the case of the [UPL chemical warehouse fire](#), for which there have been no consequences to date. During riots that occurred in KwaZulu Natal in 2021, a warehouse belonging to Indian agrochemical company, UPL, was set on fire. The warehouse stored at least 6,500 tonnes of pesticides and other agrochemicals (approximately 700 different chemicals), many of which are toxic and have been linked to cancer, fertility problems and other serious health impacts. A number of these are banned in the EU and US and were imported to South Africa and stored in direct contravention of the provisions of the Rotterdam Convention to which South Africa is a party.

Fragmented government legislation and lack of preparedness for such an event has resulted in a public health disaster in which affected communities have not received sufficient care. Furthermore, the pesticides mixed with firefighting chemicals and overflowed from the site, which was not designed for chemical storage, spilling into the catchment of the Umhlanga Estuary. The adjacent river, previously used by the community, including for irrigation, is no longer safe and the livelihoods of local subsistence fishers destroyed. The South Durban Community Environmental Alliance (SDCEA) states that "the visit by the UN Special Rapporteur to Durban is an indication of the seriousness of the Human Rights abuses suffered at the hands of big corporations who put their profits before the health of the poor and vulnerable fisherfolks and residents of Blackburn Village and South Durban who have endured the toxic pollution for decades. It's time for these toxic polluters to be criminally liable". A study is now also under way by the University of Cape Town's School of Public Health to determine the impacts of this disaster on children's health and development as well as community response and agency.

It concerned the Special Rapporteur that communities must resort to litigation to be heard and to gain justice. Most affected communities do not have the resources to do so. In the so-called "[Deadly Air Case](#)" brought by communities affected by air pollution from coal fired powered stations, the High Court found that the poor air quality in the Highveld Priority Area is in breach of residents' section 24(a) Constitutional right to an environment that is not harmful to their health and well-being. The Court directed the Minister of Forestry, Fisheries, and Environment to promulgate regulations to implement and enforce its own declaration of the requirement for the Highveld Priority Area Quality Management Plan. According to NGO groundWork, "In order to make the victory practical to affected communities, amongst other departments implicated in the judgement, the Department of Health needs to find ways of resolving the health burden that is borne by communities, especially the young and women, living in the Highveld."

The Special Rapporteur opined that, “South Africa’s strong legislative framework should serve as the backbone for accountability and access to effective remedies. Yet where powerful actors are allowed to act with impunity and disregard environmental protections, the confidence in democracy and the environmental rule of law begin to erode.”

According to the South African People’s Tribunal on AgroToxins, “the grossly skewed power relations within South Africa’s industrialised food system impacts on the health, rights and agency of workers, smallholders, society’s most vulnerable and citizens in general. The agrotoxin industry epitomises the brutality of this system. We call on the South African government to take up the reins and end the gross human and environmental rights violations related to agrotoxins and to enforce legislation ensuring that farm workers’ rights and dignity are protected. We also call for a long-overdue assessment of our chemically intensive industrial agriculture system and for a path to transform towards agroecology, which is a framework for environmentally regenerative and socially just agriculture.”

ENDS//1226 words

Contacts:

- **SA People’s Tribunal on Agrotoxins:** Haidee Swanby, +27 82 459 8548, agrotoxins.tribunal@gmail.com
- **groundwork-Friends of the Earth SA:** Mafoko Phomane, +27 73 550 3869 mafoko@groundwork.org.za
- **Women on Farms Project:** Colette Solomon, +27 72 415 0992
- **CSAAWU:** Floors Pieterse, +27 73 316 1264
- **UnPoison:** Anna Shevel unpoisonsa@gmail.com Unpoison.Org
- **SDCEA:** Desmond D’sa, +27 31 461 1991 desmond@sdceango.co.za

Notes for editors:

- The Special Rapporteurs media statement is available here: <https://www.ohchr.org/sites/default/files/documents/issues/toxicwastes/statements/eom-statement-south-africa-sr-toxic-2023-08-11.pdf>
- Durban’s toxic warehouse: Ramaphosa urged to act on Cornubia chemical disaster <https://www.dailymaverick.co.za/article/2021-08-23-durbans-toxic-warehouse-ramaphosa-urged-to-act-on-cornubia-chemical-disaster/>
- Groundwork and VEM’s section 24 challenge (deadly air litigation): <https://cer.org.za/programmes/pollution-climate-change/litigation/legal-challenges-in-relation-to-the-air-pollution-and-the-minimum-emission-standards/litigation-in-relation-to-the-highveld-priority-area-hpa>
- Women on Farms: Agriculture department to ban certain hazardous pesticides by 2024 <https://www.dailymaverick.co.za/article/2022-09-21-agriculture-department-to-ban-certain-hazardous-pesticides-by-2024/>