



SUBMISSION ON THE HUMAN RIGHT TO BENEFIT FROM SCIENTIFIC PROGRESS AND ITS APPLICATION

Introduction:

Pesticides also have caused poisoning of agricultural workers and farmers for over 60 years and peer-reviewed study published by [BMC Public Health](#) finds that there are approximately 385 million cases of non-fatal unintentional pesticide poisonings every year. The overwhelming number of fatalities, some 99%, occurred in developing countries where health, safety and environmental regulations were weaker. Chronic exposure to pesticides has been linked to cancer, Alzheimer's and Parkinson's diseases, hormone disruption, developmental disorders and sterility.

- Tackling misinformation and disinformation campaigns and documenting attempts to manipulate or distort science in regulatory processes

Syngenta, paraquat and Rotterdam Convention – African Amendment

Both chrysotile asbestos and certain paraquat formulations¹ have been found by the Conference of Parties to the Rotterdam Convention to meet the requirements of the Convention for listing under Annex II of the Convention which would allow countries to make informed decisions about whether or not to continue to import these chemicals. However, in both cases the industry bodies most likely to be affected by the listing have exerted considerable influence over some of the parties to prevent the listing taking place (listing is by consensus), particularly through disinformation campaigns – that chrysotile asbestos is harmless, which is a distortion of science, and in the case of paraquat that listing means a ban, when that is completely untrue. In the case of paraquat the pressure came from the manufacturer Syngenta and was brought to bear particularly on Latin American governments. For some years most of the Parties, together with the Secretariat of the Convention, have tried to arrive at a solution to the blocking of listings.² This prompted a number of African States to propose an amendment to the Convention to permit voting on listing.³ However the amendment did not proceed, nor has any other solution been implemented, and the distortion of the Rotterdam Convention process as a result of disinformation campaigns by vested interests continues to deny countries their right to informed decision making.

The Pressure on Thailand for their decision to ban glyphosate

Glyphosate better known by its trade name 'Roundup' is a weed killer and has more than 42,700 lawsuits pile up in the US with plaintiffs alleging that it caused terminal cancers. The International Agency for Research on Cancer (IARC) published a monograph in 2015 stating that glyphosate is

¹ Liquid formulations (emulsifiable concentrate and soluble concentrate) containing paraquat dichloride at or above 276 g/L, corresponding to paraquat ion at or above 200 g/L. UNEP/FAO/RC/COP.9/12.

² Enhancing the effectiveness of the Rotterdam Convention. UNEP/FAO/RC/COP.9/13. See **II.6.**

³ Intersessional work on the process of listing chemicals in Annex III to the Rotterdam Convention. Addendum: Proposals to amend Articles 16 and 22 of the Rotterdam Convention. UNEP/FAO/RC/COP.8/16/Add.1.

"probably carcinogenic to humans" (Group 2A) and strong evidence of genotoxicity and oxidative stress.

However, the use of glyphosate is highly prevalent in Thailand – one of the world's leading rice and sugar producers - who are among the heaviest users of pesticides in a sector that employs 40 per cent of the population. Thailand was poised to officially ban glyphosate from December 2019, a move appraised by environmental groups, following the National Hazardous Substances Committee has voted to ban glyphosate and two other highly controversial pesticides: chlorpyrifos and paraquat in October 2019. The ban would see the chemicals elevated to a Type 4 list on the country's Hazardous Substance Act and bans production, import, export, transfer or possession of the listed chemicals.

However, Bayer and the US meddling manipulated and distorted science in the regulatory process in Thailand and PANAP expressed concern over Bayer and the [US meddling on the glyphosate banning](#) announcement by Thailand in an article published on October 30, 2019. The interfering process occurred as US Department of Agriculture's urged the Thai government to delay the ban on the chemicals, particularly glyphosate. However mere five days before the ban was to officially commence, the Thailand government suddenly [reversed their decision](#), lifting the ban and permitting the use of glyphosate within current maximum residue limits.

- Documenting attacks, threats, intimidation or harassment against scientists

Agrochemicals TNCs have systematically harassed and discredited human rights defenders who have exposed negative impacts of their practices and products on human health and the environment see [PAN's report of the Permanent Peoples Tribunal on Agrochemical TNCs](#).

Ignacio Chapela objected to huge donations by Syngenta to the University of California (UC), Berkeley, citing that these donations would undermine the independence and direction of the research. Syngenta organised a campaign to deny him tenure at the University. Monsanto harassed and tried to discredit Chapela for exposing the contamination of Mexico's corn varieties by GE corn in 2000.

The harassment by Syngenta of scientist Tyrone Hayes, following his work on the causal links between atrazine and endocrine disruption in frogs in 2010, exposed the extent of the company actions to stop negative studies being publicized on this pesticide.

When medical doctor Romeo Quijano and journalist Ilang Ilang Quijano publicized a study of the poisoning of Kamukhaan, a community in the Philippines situated next to a banana plantation and suffering severe health and environmental impacts as a result of regular aerial pesticide spraying, the company sued them for libel. Although aware of these actions by the plantation, the agrochemical TNCs remained silent, or participated and benefited from the sales of their pesticides.

In Brazil, in October 2007, activists and peasants occupied land where Syngenta was conducting its illegal experiments to field test GE crops. The company responded by hiring a 'security' company, which shot and injured the occupiers.

Recently, with the [pandemic](#), countries such as India, Malaysia and Philippines have resorted to violence and legal measures to stop scientists, activists and public protest/demonstration, silencing critics and preventing people to expose the impact of policies, products and actions of governments.

- Giving effect to the **precautionary principle** regarding risks of the scientific process

In 1998, the Wingspread Statement on the [Precautionary Principle](#) proposed a definition to include human health and specified some criteria under which the principle can be invoked: When an activity raises threats of harm to human health or the environment, precautionary measures should be taken even if some cause and effect relationships are not fully established scientifically. In this context the proponent of an activity, rather than the public, should bear the burden of proof and process of applying the precautionary principle must be open, informed and democratic and must include potentially affected parties.

[Endosulfan Poisoning, Kasargod, Kerala, India](#)

For over 20 years, cashew nut plantations of the State-owned Plantation Corporation of Kerala, in the district of Kasargod, were sprayed by air with endosulfan. Experimental spraying began in 1976. From 1979, local farmers and doctors observed deformities in animals and an unusually high incidence of severe human health problems.⁴ Impacts included congenital and reproductive health problems and long-term neurological damage. A monitoring report by local NGO, Thanal found that endosulfan had caused death and permanent disabilities, including severe birth defects.

In 2001, the National Human Rights Council commissioned a National Institute of Occupational Health (NIOH) study concluded that: *there is significantly higher prevalence of neurobehavioural disorders, congenital malformations in female subjects and abnormalities related to male reproductive system in the study group.*

Interestingly using the precautionary principle, Kerala courts banned endosulfan in the State temporarily until the Kerala Government implemented a State-wide ban on its use. Similarly, on 13 May 2011, the [Supreme Court of India banned the manufacture, sale, and use of endosulfan](#) in the country for eight weeks while waiting for a report from an expert committee on its harmful effects. In its final judgement, the Supreme Court of India stated, “Till the report is submitted, keeping in mind the various judgments of this Court under Article 21 of the Constitution of India, particularly keeping in mind the precautionary principle, we hereby pass an ad-interim order to immediate ban the production, use and sale of Endosulfan all over India and we further direct the statutory authorities to seize the permit given to the manufacturers of Endosulfan till further orders”. The ban was later confirmed.

- Promoting opportunities for citizens to contribute to scientific research

PANAP and partners have developed a tool and process entitled community pesticide action monitoring (CPAM). It involves community members who undertake the research, and encourages organising and action and based on the principle of community-based science.

Through CPAM, the community learns to record the impacts of pesticide use and becomes aware of the pesticides’ harmful effects. To provide a more focused approach towards data gathering, PANAP has innovated and developed the CPAM mobile application to collect data.

⁴ Thanal. 2002. Long Term Monitoring: The Impact of Pesticides on the People and Ecosystem (LMIPPE). Part II Report: Preliminary findings of the survey on the impact of aerial spraying of Endosulfan on the People and Ecosystem in Kasargod, Kerala, India.

Recently CPAM was used to interview 2025 small-scale farmers and agricultural workers was carried out in 7 Asian countries. The [report](#) found that the agrochemical transnational corporations (TNCs), their subsidiaries as well as local pesticide manufacturers and distributors are producing and distributing HHPs that cause acute and chronic health effects, particularly to children and other vulnerable people. These pesticides are also known to cause environmental damage and loss of biodiversity.

Results of CPAM monitoring have been used in various campaigns, advocacy platforms and recently in a peer reviewed [scientific journal](#), published in BMC Public Health journal that provides information on global pesticide poisoning figures.

Community monitoring data and people's testimonies of harm must be given due importance and should be sufficient to form the basis for investigation and urgent precautionary action.

IPAM

In order to support the phase out of pesticides and to promote agroecology, PANAP and partners innovated an agroecology-based knowledge e-platform entitled the [International People's Agroecology Multiversity](#) (IPAM). IPAM is a community-based and a research-learning-action approach to agroecology that focuses on small-food producers and farming communities. IPAM is a network of Field Learning Sites (FLS) situated in different communities, across regions and are training centres or campuses of farmers' fields, CSOs, institutions and universities that offers on-site and online learning on agroecological farming methods, innovations and techniques.

- Design of mechanisms and safeguards to prevent and address conflicts of interests in the production of science, the functioning of science-policy interface platforms, and the operation of regulatory systems for the protection of human health and the environment

FAO/CropLife Alliance

In October 2020, QU Dongyu, FAO Director-General, and Giulia Di Tommaso, President and CEO of CropLife International (CLI), announced the signing of a Letter of Intent to explore new partnerships between the UN Agency and the private sector. CropLife is a global trade association representing the interests of companies that produce and promote pesticides, including highly hazardous pesticides (HHPs). In the announcement of the partnership, Qu emphasised the importance of the private sector in "agri-food systems transformation." He invited CropLife International members to work with FAO and its Members on the International Platform for Digital Food and Agriculture, and also expressed the need for CropLife's "valuable technical knowledge, practical know-how and capital" in its Hand-In-Hand Initiative, which has a "matchmaking" aim to attract donors and private investments to countries with the highest rates of poverty and hunger.

Coming at the heels of the UN's strategic partnership with the World Economic Forum, the FAO-CLI partnership is a concrete manifestation of how what civil society perceives as the worrying trend towards "corporate capture" of the UN, particularly in relation to agriculture and food systems, can affect the operation of regulatory systems for the protection of human health and the environment.

In [a letter spearheaded by Pesticide Action Network \(PAN\) International](#) to the FAO Director-General in November 2020, 352 organizations in 63 countries representing hundreds of thousands of farmers, fisherfolk, agricultural workers and other communities, as well as human rights, faith-based, environmental and economic justice institutions, urged the FAO to discontinue its alliance

with CropLife. “Their primary aim is to maximise sales of their products, irrespective of health and environmental harms, and whether or not these products are necessary or actually benefit farmers. FAO, in contrast, should aim to increase farmer access to practices and tools that help them grow their crops sustainably without harming their health,” the letter said.

An international group of 250 scientists and researchers also wrote to the FAO-Director-General to express concerns that the alliance undermines the FAO’s policy on minimizing the harms of chemical pesticide use worldwide. “This arrangement is the equivalent of the World Health Organization announcing a joint venture with Philip Morris to prevent lung cancer,” the letter said. A [second letter](#) submitted clearly asked for FAO to develop “an integrated FAO policy to prevent conflicts of interest.”

In summary, PANAP deems it crucial to continue the campaign to urge the FAO to sever its alliance with CLI, as well as to institute mechanisms and safeguards to prevent and address conflicts of interests within the FAO, as this clearly affects the production of science used in agricultural and food policies, and the operation of regulatory systems for the protection of human health and the environment.

Global mechanism for the life-cycle management of pesticides

At the Global Major Groups and Stakeholders Forum (GMGSF) prior to the first session of the fifth United Nations Environment Assembly (UNEA 5), and in light of a recent UNEP report on the environmental and health impacts of pesticides and fertilizers, PANAP reiterated the need for global mechanism for the life-cycle management of pesticides including:

- The phase out of Highly Hazardous Pesticides;
- End of double standards in pesticides trade, or exporting of pesticides that are banned in their countries of origin for health or environmental reasons; and
- The replacement of HHPs by safer alternatives including agroecology

The joint statement of the GMGS adopted the need for “the development of a global, legal mechanism to phase out highly hazardous pesticides by 2030,” as one of its recommendations for the UNEP’s Mid-Term Strategy and Work Programme.

PAN International believes that it is the only way to achieve sound management of pesticides and address pesticide poisoning that continues unabated in countries all around the world.

In 2017, the UN Special Rapporteurs on the right to food, Hilal Elver and on Toxics, Baskut Tuncak, in their report to the Human Rights Council, also noted that a “comprehensive treaty that regulates highly hazardous pesticides does not exist, leaving a critical gap in the human rights protection framework,” and called for a comprehensive new global treaty to regulate and phase out the use of dangerous pesticides, and move towards sustainable agriculture practices. They further highlighted “the pesticide industry’s efforts to influence policymakers and regulators have obstructed reforms and paralysed global pesticide restrictions”.

Continued support for the development of a global mechanism on HHPs can ensure the more effective functioning of science-policy interface platforms with regards to pesticides management, as part of a stronger regulatory framework for the protection of human health and the environment. Furthermore, the UN Human Rights Council is developing a corporate accountability legally binding instrument but this has to be strong and clearly enforced to ensure that it protects human health and the environment.