



Strengthening Africa in World Trade



POSITION PAPER ON BANNING THE USE OF GLYPHOSATES AND GLYHOSATES BASED HERBICIDES IN UGANDA'S AGRICULTURAL SECTOR.





List of Acronyms

CEFROHT	Center for Food and Adequate Living Rights
GBHs	Glyphosate Based Herbicides
GDP	Gross Domestic Product
MAAIF	Ministry of Agriculture, Animal Industries and Fisheries
NAADS	National Agricultural Advisory Services
NAEP	National Agricultural Extensions Policy
NAES	National Agricultural Extensions Strategy
NOAP	National Organic Agricultural Policy
SEATINI	Southern and Eastern Africa Trade Information and Negotiations Institute
WHO	World Health Organization
IARC	International Agency for Research on Cancer
ICESCR	International Convention on Economic, Social and Cultural Rights.

BACKGROUND

This position paper comes as a response to the announcement by the government of Uganda of its impending decision to ban the use of glyphosates in Uganda. This paper is also a follow-up on a public interest suit filed by the Center for Food and Adequate Living Rights (CEFROHT) and the Southern & Eastern Africa Trade Information and Negotiations Institute (SEATINI) against the attorney general. The suit was filed to hold the government accountable for its failure and omission to ban the use of glyphosates and glyphosate-based herbicides (GBHs) as this threatens the right to adequate food, a clean and healthy environment, health, and the right to life. The case also seeks to hold the government accountable for its failure and omission to regulate and control agrochemical use in the agricultural sector. Among the orders sought in the case include an order for the government to issue an immediate ban on the use of glyphosates and glyphosates based

herbicides (GBHs), an order that government implements the National Agricultural Extension Policy (NAEP) 2016 , and order that the government enacts regulations under the Agriculture Chemicals (Control) Act 2007.

Upon filing of the case, the government has since enact the National Organic Agriculture Policy in 2020. The government through the Ministry of Agriculture, Animal Industries and Fisheries (MAAIF) announced on the 23rd of February 2021 that was in discussion to ban the use of glyphosates in Uganda.¹ The Commissioner in charge of Crop inspection and certification at MAAIF announced that the decision to be made was in its final stages.

It is upon this background that SEATINI and CEFROHT have come up with this position paper on banning the use of glyphosates and GBHs in Uganda.

INTRODUCTION

Most of Uganda's population derive their livelihoods from agriculture and the sector directly contributes about 26% of the National GDP and more than half of the country's exports. Over 75% of Uganda's total agricultural outputs and marketed agricultural produce are by small-scale farmers. Uganda's agricultural sector is by default organic, today many small scale farmers (17%) have embraced the use of agro chemicals such as glyphosates in the agricultural system.² Many of these small-scale farmers do not have the skills and techniques of applying agrochemicals.

The World Health Organisation's (WHO) International Agency for Research on Cancer (IARC) in 2015 classified glyphosates based chemicals as highly hazardous and "probably carcinogenic" (causing cancers).³ Research has also shown that exposure to glyphosate causes autism, cancer, birth defects, reproductive infertility, and liver diseases.⁴ The improper use of agrochemicals can cause death from direct human poisoning and exposure.⁵

There has been a global call for the ban of glyphosates based chemicals to protect human rights like the right to health and the right to adequate food. Several African have taken steps to ban the use of glyphosates and glyphosate based chemicals in the agricultural systems. In Malawi the Ministry of Agriculture, irrigation and water development announced the suspension of import permits for glyphosates in April 2019.⁶ In Togo it is now prohibited to "import, market or use glyphosates and any product containing it."⁷ Other countries like Austria, Belgium, Czech Republic, Denmark,

France, Italy, Netherlands, Mexico, Bermuda, Thailand, and Vietnam among others have taken steps to ban the use of glyphosates and GBHs.

In Uganda, there have been several challenges with implementation of the laws and regulations as regards the buying, use, storage, transportation, handling use of glyphosates leading to impunity in adherence to the available legal framework. The continued unregulated use of glyphosates, GBHs and harmful agrochemicals poses a threat to Uganda's agricultural markets sector. Several Ugandan products are rejected for failure to comply with phytosanitary regulations and therefore causing losses to farmers. In 2015 there was a self-ban by Uganda on its agricultural produce due to pesticide residues.⁸ In 2019 the European Union issued a warning to the government of Uganda about a pending ban on its agricultural produce to the European market if Uganda doesn't adhere to sanitary and phytosanitary measures and standards including eliminating pesticide residues in our produce.⁹

Amidst all these challenges the government of Uganda through MAAIF announced on the 23rd of February 2021 about the ongoing discussion to ban the use of glyphosates in Uganda.

Following this, several issues arise over the implementation of the pending ban on Glyphosates and the National Agricultural Organic Policy.

2 PHE Uganda Project and UNACOH, Pesticides use, in Uganda: Perspectives for Human and Environmental health.

3 International Agency for Research on Cancer, IARC Monographs Volume 112: evaluation of five organophosphate insecticides and herbicides, 20th March 2015

4 Ibid

5 PHE Uganda Project and UNACOH, Pesticides use, in Uganda: Perspectives for Human and Environmental health.

6 Ibid

7 Ibid

8 The Independent, EU threatens to slap fresh ban on Uganda's agro exports to Europe, 23rd August 2019, <https://www.independent.co.ug/eu-threatens-to-slap-fresh-ban-on-ugandas-agro-exports-to-europe/> (accessed on the 15th March 2021)

9 Ibid

KEY CONCERNS

The continued usage of glyphosates and glyphosate-based herbicides in agriculture threatens the right to adequate food, the right to health and the economy.

More than 69% of the population in Uganda derives their livelihood from agriculture, the sector provides 26% directly to Uganda's GDP and about half of the country's exports. Many farmers around Uganda use agrochemical inputs and yet they do not have the proper skills and techniques of applying these agrochemicals. The improper use of agrochemicals can cause diseases and death due to human poisoning and exposure. It also accumulates residues in food and water which destroys the environment.¹⁰ As already stated Glyphosates, in particular, have been classified as highly hazardous and probably carcinogenic by the World Health Organisation's International Agency for Research on Cancer (IARC).

Glyphosates are a direct threat to the right to adequate food, the right to health and economic growth and development. The right to health is provided for under Article 12 of the International Convention on Economic Social and Cultural Rights (ICESCR) which provides that everyone has the right to the highest attainable standard of health. The right to health has been interpreted by the Committee on Economic, Social and Cultural Rights (CESCR) under General Comment 14. Under this general comment, the right to health extends not only

to timely and appropriate health care but also to the underlying determinants of health which, inter alia, includes access to safe water, adequate supply of safe food, nutrition, healthy occupational, and environmental conditions among others.¹¹

From the foregoing, glyphosates affects the access to safe water and safe food, healthy

occupational and environmental conditions thus threatening the right to health of not only farmers but also consumers and neighborhoods where glyphosates are used. Glyphosates are also a contributing factor to autism, cancer, birth defects, and infertility.¹² The continued use of Glyphosates is, therefore, a direct threat to the right to health of Ugandans. The government has an obligation to promote, protect and fulfill the right to health.¹³

The continued use of glyphosates in Uganda is also a threat to the right to adequate food. The right is provided for under Article 11 of the ICESCR which provides that every person has the right to an adequate standard of living for himself and his family including adequate food. This right has been interpreted by the CESCR under General Comment 12. The General comment provides for adequacy of food which includes food being free from adverse substances. A range of protective measures are necessary by both public and private means to prevent the contamination of food.¹⁴

The right to adequate food is critical in the enjoyment of an adequate standard of living and its violation leads to the violation of other rights such as the right to life, the right to health among others.¹⁵ The failure to realize the right to adequate food implies the failure to attain the Sustainable Development Goals (SDGs) i.e. SDG 2 on zero hunger and sustainable agriculture, SDG 3 on good health and wellbeing, SDG 6 on clean water and sanitation, SDG 8 decent work and economic growth SDG 12 on consumption and production.

The Constitution of the Republic of Uganda, 1995 (as amended) provides under Objective XIV that the state shall endeavor to fulfill the fundamental rights of all Ugandans to social justice and economic development which includes, inter alia, access to clean and safe water. Objective XXI provides that the state shall take all practical measures to promote a good water management system at all levels. Objective XXII on food security and nutrition, Article

10 PHE Uganda project and UNACOH, Pesticide use in Uganda: Perspectives for Human and Environmental Health,

11 General Comment 14 on the right to the highest attainable standard of health, Paragraph 11.

12 WHO Monography on Glyphosate on Cancer in Humans 2016.

13 General Comment 14, Paragraph 33

14 CESCR, General Comment 12, Paragraph 10

15 CESCR, General Comment 12, Paragraph 1

39 provides that every Ugandan has a right to a clean and healthy environment.

The continued use of glyphosates in Uganda without action from the government is a violation of the above constitutional provisions.

There is a need for urgent action to be taken by the government to protect these fundamental rights through banning Glyphosates and Glyphosate Based Herbicides.

2

The need for regulations to control agrochemical use in Uganda.

In 2006 Uganda passed the Agricultural Chemicals (control) Act (hereinafter called the "Act") the object of the Act is, "to control and regulate the manufacture, storage, distribution and trade in, use, importation and exportation of agricultural chemicals and for the other related matters." This Act is relevant in the protection of the right to health and the right to adequate food of Ugandans by regulating agrochemical use, however, regulations, as required to be passed under the Act, have not been enacted by MAAIF.

Section 18 of the Act provides that the Minister may in consultation with the board (Agricultural Chemicals Board) make regulations prescribing, inter alia, a) the nomenclature, classes, and kinds of pests and agricultural chemicals; e) the form, composition, and all other standards relating to the safe manufacture, storage, distribution, advertisement and use of agricultural chemicals including toxic residue effects; f) the manufacture or treatment of any agricultural chemical to facilitate its recognition by a change in coloration or other means; j) the information to be supplied and the format for such information in respect of any agricultural chemical that is to be imported into Uganda; and k) the types and standards of protective clothing which shall be worn, any precautionary measures which shall be taken during the manufacture, sale, use, application or handling of agricultural;

However, MAAIF has omitted to fulfill this obligation established under the Act.

This omission threatens Uganda's trade, violates the right to health, the right to adequate food, and violates the right to work under safe, satisfactory, and healthy conditions which provided for under Article 40 of the Constitution.¹⁶

As already noted several farmers lack knowledge on chemical use, storage, and transportation as a result of a lack of regulations to provide for these. Several manufacturers and traders in agrochemicals trade-in glyphosates and other chemicals with no regulation on precautionary measures to be taken, information to provide to farmers among others. This leads to poor use of agrochemicals which contaminates food, soil, and water sources. This also leads to the rejection of Uganda's agricultural produce on the world market.

3

Implementation of the Extension Worker's policy and Action plan

Uganda has passed "The National Agricultural Extension Policy (NAEP) 2016", the policy envisions a pluralistic delivery system with multiple providers. Under the NAEP the National Agricultural Extension Strategy (NAES) was enacted by the government. The four strategic objectives of the strategy include; i)

To establish a well-coordinated, harmonized pluralistic agricultural extension delivery system for increased efficiency and effectiveness. (ii) To empower farmers and other value chain actors (youth, women, and other vulnerable groups) to effectively participate and benefit equitably from agricultural extension processes and demand for services (iii) To develop a sustainable mechanism for packaging and disseminating appropriate technologies to all categories of farmers and other beneficiaries in the agricultural sector (iv) To build institutional capacity for effective delivery of agricultural extension services.

Extension workers are critical in educating farmers around Uganda on the safe use of agricultural chemicals and how to practice sustainable agriculture. The NAES recognizes among the role extension workers can play in agricultural development which is strengthening

16 The Constitution of the Republic of Uganda, 1995 (as amended), Article 40 (1) Parliament shall enact laws- a) to provide for the right of persons to work under satisfactory, safe, and healthy conditions

capacity in technical areas of agriculture such as seeds, agrochemicals (including fertilizer), water for production, mechanization among others.¹⁷

The above shows the critical role extension workers play in the agricultural sector and the role they can play in ensuring the safe use of agrochemicals and preventing the use of harmful chemicals like glyphosates.

Among the strategies that are to be adopted by the NAES in reaching its objectives is to Set up mechanisms for collaboration with all actors in the agricultural extension service delivery system with a clear definition of roles and responsibilities.¹⁸

Another strategy is to review, develop and update legal instruments related to the policy and strategy implementation.¹⁹ Among the activities under this strategy is to enact a new law i.e. the National Agricultural Extension Act to support the implementation of the NAEP and develop statutory instruments for the regulation of Agricultural extension services.

The Directorate of extension workers under MAAIF charged with this responsibility have not enacted the National Agricultural Extensions Act and statutory instruments under the Act.

It is worth noting that MAAIF through the Directorate of Extension Services has enacted the Agricultural Extension Services Guidelines and standards. Under the guidelines, the services to be offered include; training and other capacity development services; business development services; technology dissemination; and advice in crop and livestock production, agri-business, fisheries, forestry, and related areas.

Although MAAIF's action of passing the Extension services guidelines and standards is to be applauded it is not enough as the guidelines are not binding. There is a need for a more authoritative law with provisions that define the roles and duties of extension workers, their

scope of work, redress mechanisms among others. This will be vital in achieving the main intention and purpose for the establishment of extension workers under the NAEP. It is also vital in achieving the right to health, the right to adequate food, the right to a clean and safe environment, and the right to work under

safe, satisfactory, and healthy conditions.

Another challenge as regards extension services in agriculture is the limited number of extension workers. Uganda is currently implementing the "single spine extension system" which includes the transfer of the extension function from the National Agricultural Advisory Services (NAADS) to the mainstream MAAIF and the integration of the NAADS program into the local government production departments and eliminating the parallel institutional arrangements as well the separation of Agricultural input supply from the extension service delivery system.²⁰

Under this implementation, the cabinet approved the recruitment of 5000 extension workers against a total of 8408 under the NAEP indicating a gap of 41%. However, even then the recruitment of 5000 extension workers stalled at 3,820 by FY 2017/18. Besides, out of 1456 approved technical positions at the district, only 846 had been filled by FY 2016/17 and out of 6952 approved technical positions at the sub-county level, only 2945 had been filled during the same year.²¹

This indicates a challenge in extension services reaching small-scale farmers in Uganda. It also hinders the education of rural farmers on knowledge of how to use agricultural inputs such as agrochemicals. The few extension workers for farmers in Uganda are a threat to the human rights of Ugandans like right to adequate food, the right to health, the right to a clean and healthy environment, and the right to work under safe, healthy, and satisfactory conditions of farmers.

17 This role of the agricultural extension has also been recognized and emphasized in all periodic national and sector development plans over the last two decades including the current National Development Plan (NDP III) (2020 /2021 - 2024/2025).

18 The National Agricultural Extension Strategy, 2019, Strategy 1.1.4

19 The National Agricultural Extension Strategy, 2019, Strategy 1.1.5

20 Read more; Economic Policy Research Centre (EPRC), Uganda's Agricultural Extension Systems: How appropriate is the single spine Structure, Research Report No.16, Mildred Barungi, Madina Guloba, and Annet Adong, March 2016

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The National Organic Agricultural Policy (NOAP) defines Organic agriculture as a holistic production management system that aims to avoid the use of synthetic and harmful pesticides, fertilizers, growth regulators, and livestock feed additives to reach a long-term goal of sustainable production of crops and animals.

The policy recognizes that organic agriculture contributes to:

- I) Better farm incomes and sustainable livelihood; increased farm productivity, reduced expenses on external farm inputs, and reduction of poverty in the rural areas.
- II) Improved health of farmers, consumers, and the public in general environmental protection, enhanced soil fertility and farm biodiversity, reduced pollution and destruction of the environment as well as prevention of further depletion of natural resources; and
- III) Disaster risk reduction and resilience to climate change improved resiliency to disaster risks and climate change vulnerabilities caused by human interventions and naturally induced hazards.

The policy also highlights some challenges in the promotion of organic agriculture, the government should take action and come up with measures to make sure these challenges are addressed. Policy gaps, lack of production support, limited promotion and awareness; fragmented and inadequate research and development, extension and capacity inadequacies; and poor market systems.

The government should make sure to implement the strategies under the policy to address the challenges of Organic Agriculture in Uganda. These, inter alia, include;

- I. Promoting the establishment of demonstration farms and community-based learning centers.
- II. Create awareness on organic

Agriculture standards and certification systems at all levels of the value chain.

- III. Provide incentives for investment in value addition for organic products.
- IV. Promote cost-effective certification for organic agriculture.
- V. Support the harmonization standards and mutual recognition procedures at national, regional, and international levels.
- VI. Generate and maintain organic Agriculture database for timely access and dissemination of information to all stakeholders.
- VII. Increase awareness of the benefits of organic products.
- VIII. Enhance Organic Agriculture production building on progressive indigenous and local community-based knowledge;

As civil society, we call upon the government to implement the strategies that are highlighted above to promote organic agriculture in Uganda. The promotion of organic agriculture is the promotion of the right to health, the right to adequate food, the right to a clean and healthy environment, and the right to work under safe, satisfactory, and healthy conditions. Organic Agriculture is important in achieving these rights as it discourages the use of synthetic and harmful agrochemicals including glyphosates and GBHs.

RECOMMENDATIONS

CEFROHT and SEATINI make the following recommendations as regards glyphosates and GBHs.

We recommend that the government issues an immediate ban on the use and trade of glyphosates and GBHs. This will be a vital step in stopping the use of dangerous agrochemicals like glyphosates. This will also play a major role in protecting the rights of Ugandans like the right to health, the right to adequate food, the right to a clean and healthy environment, and the right to work under safe, satisfactory, and healthy conditions of farmers and communities.

We recommend that the government should pass and implement the sanitary and phytosanitary policies to examine food products

that are sold in the Ugandan markets. This includes employing more inspectors to inspect the food products supplied in the markets. This would help curb the trade and use of harmful chemicals like glyphosates in agriculture.

The government through MAAIF to enact and pass regulations to control the use, handling, storage, and trade of Agrochemicals in Uganda. This obligation is provided for under Section 18 of the Agricultural Chemicals (Control) Act 2007.

Government and MAAIF should fully implement the National Agricultural Extension Policy and employ extension workers and other officers provided for under the Act. This will be vital in sensitizing farmers against the dangerous use of chemicals.

As envisaged under the National Agricultural Extension Strategy the commissioners and directors of the Directorate of Extension Services should see to it that the National Extension Workers Bill be passed into law to streamline the roles, duties, and obligations of extension workers.

The government should take steps to implement the strategies under The National Organic Agricultural Policy. These strategies are vital in ending the use of synthetic chemicals in agriculture, sensitization of farmers, and making organic agriculture more lucrative. The strategies would be instrumental in promoting trade and economic development as well as the right to health and the right to adequate food.

CONCLUSION

Following the announcement by the commissioner of government's pending decision to ban glyphosates and GBHs in Uganda, further steps should be taken to promote organic agriculture. The immediate ban on glyphosates is critical in the protection of the health of many Ugandans. The government should pay major attention to implementing the Extension workers policy and organic agriculture policy. Taking these measures will not only increase the trade of Uganda's agricultural products but also protect the right to health and the right to adequate food for Ugandans.

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