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Attention: Working Group on the Rights of Peasants and Other People Working in Rural Areas
By email: hrc-wg-peasants@un.org

Date: 16 October 2024

Submission by Biowatch South Africa on the implementation of the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP)

Thank you for the opportunity to provide input on the implementation of UNDROP.

Our submission follows and consists of:

1. Introduction to Biowatch South Africa (a civil society organisation);

2. Responses to the questions posed by the Working Group on the Rights of Peasants and Other People Working in Rural Areas.

Yours sincerely

Rose Williams
Director

Board Members: Prof. Loretta Feris, Dr David Fig, Dr Mvu Ngcoya, David Ntseng (chairperson), Beni Williams, Rose Williams (director), Prof. Rachel Wynberg, Ms Stha Yeni (vice-chairperson) ■ Trust No. IT4212/99

1. Biowatch South Africa

Biowatch is a non-governmental organisation established in 1999, which strives for social and environmental justice within the context of food sovereignty. Biowatch works to challenge unsustainable agricultural practices and to advocate for agroecology as an ecologically viable alternative that safeguards people and land. This includes supporting smallholder farmers; working with civil society to create joint understanding and action; and constructively engaging with government in implementing policies and practices that promote, facilitate, and actively support agroecology, biodiversity, justice and Farmers' Rights. We have a long track record of working on policy issues concerning agriculture, the food system, biodiversity and indigenous knowledge systems.

2. Responses to the questions posed (to civil society) by the Working Group on the rights of peasants and other people working in rural areas

Question 1: Please provide information on the measures adopted in your country to disseminate the Declaration at the national or regional levels. Has the Declaration been translated in the official and minority languages (if any) spoken in your country or region? If so, in which languages?

Civil society organisations have developed more accessible materials on the UNDROP for use in awareness raising with rural communities and these have been translated. We are aware of information materials summarising the Declaration produced by the Rural Women's Assembly in at least one South African language (Xhosa) in addition to English. The English version of their booklet can be found on their website here https://www.tcoe.org.za/wp-content/uploads/2023/02/Booklet.pdf

We are not aware of translation of the full Declaration or any documents published by our government.

Question 2: Have you or your organization developed any training or awareness-raising activity on the Declaration and the rights of peasants and other people working in rural areas for rights holders as defined in article 1 of the Declaration or for civil society as a whole?

Biowatch refers to the UNDROP in any discussions on rights that we have with the farmers and the communities with whom we work.

A civil society organisation collective, in which we participate, wrote an Open Letter in December 2022 to our then Minister of Minister of Agriculture, Land Reform and Rural Development, Ms Thoko Didiza, and copied to the Director General of the Department, the Parliamentary Portfolio Committee on Agriculture, Land Reform and Rural Development, the National Planning Commission and the national Agricultural Research Council in which we note that the South African government was a firm champion of UNDROP in the United Nations; a position strongly supported by the agroecology networks in South Africa and calling for this to be carried into our national programmes, especially in support of agroecology. See https://static.pmg.org.za/230314Open_letter_to_Minister_Didiza_calling_for_an_agroecology_strategy_and_programme_endorsements.pdf

As an organisation we specifically focus on the UNDROP to support our advocacy for agroecology, food sovereignty, access to land and water, the right of communities to defend their territories from extractive industries, and especially their Right to have, conserve, condition, exchange and sell their seed.

In April 2024 we ran a training workshop on Farmers' Rights in which we explained the history and contents of the UNDROP, and focused in detail on Article 19 on the Right to seeds.

We have developed an information sheet to support this training which includes UNDROP (see https://biowatch.org.za/download/what-are-farmers-rights/) which has been circulated amongst agroecological farmers and CSOs in our province, and with the 15 partners of the Seed and Knowledge Initiative (SKI), which spans Malawi, South Africa, Zambia and Zimbabwe.

SKI also had a regional seminar on Farmers' Rights in 2022 with representatives from academia, CSOs, farmers and government in Lusaka in Zambia at which the significance of the UNDROP for Farmers' Rights was discussed.

Question 3: Please provide information on the progress made and the difficulties encountered in your country in the implementation of the Declaration. What are the main achievements in protecting and promoting the rights of peasants or other people working in rural areas? What are the main obstacles?

South Africa, through its Department of International Relations and Cooperation championed the declaration process and South Africa became a signatory in 2018. However, it is not clear who will lead and champion the process of its implementation within government. South Africa has a good Bill of Rights included in its constitution in which many of the human rights in the UNDROP are included. However, these rights are not necessarily easy to implement and key issues such as land restitution following forced land removals under Apartheid, and access to land and water remain unresolved for many.

Rights outlined in the UNDROP are also the responsibility of different government Departments.

There has also been a tendency by the post-apartheid government to pursue an economic development path based on increased resource extraction, with many licenses being given to multinational mining and energy companies which threaten the territories and livelihoods of communities. Communities that are resisting these developments are being threatened, with growing violence and assassinations of community defenders. Where resources permit, some communities have been able to defend their rights in the courts to the ire of the current Minister of Mineral Resources and Energy, who has been increasingly critical of what he perceives to be "unabated and frivolous litigation against the exploration and production of oil and gas by foreign-funded lobby groups and Non-Governmental Organisations (NGOs)". (See for example: https://www.gov.za/news/speeches/minister-gwede-mantashe-investing-african-energy-conference-08-oct-2024)

Civil society remains active in lobbying for the implementation of UNDROP, especially in regards to key areas such as land, access to water, Farmers' rights, and the pursuit of food sovereignty through agroecology.

Question 4: Are there any legislative, administrative, policy or other measures that you regard as good practices or lessons learned on the implementation of the Declaration?

We are not aware of implementation of the Declaration in a coordinated way. We have been inspired by Brazil's Zero Hunger programmes to ensure children have adequate nutrition through school feeding schemes and other institutional buying, which specifically supports agroecology.

Question 5: Do you or your organization engage with State authorities or human rights mechanisms (for instance human rights treaty bodies or special procedures of the Human Rights Council) to raise awareness on the Declaration and promote its integration in their activities? If so, please provide details.

We engage individual Departments, mostly DALRDD regarding the aspects of the UNDROP we work on in relation to securing space for Farmers' Rights. We have specifically resisted South Africa signing UPOV '91 (and the UPOV aligned Plant Breeders' Rights and Plant Improvement Acts) that would prevent farmers from freely saving, exchanging and selling seed, which is crucial to maintaining Farmer-led seed systems. We are also engaged with the Department on signing the International Treaty on Plant Genetic Resources for Food and Agriculture.

We have not formally and directly engaged with the Human Rights Council or Treaty Bodies but do engage informally through the Civil Society and Indigenous Peoples Mechanism to the UN Committee on World Food Security (CSIPM).

Question 6: How, and to what extent have the organisations of peasants and other people working in rural areas participated in the development and implementation of policies, legislations, legal and other measures to advance the protection of their rights?

The Rural Women's Assembly campaigns strongly on the implementation of UNDROP through southern Africa. Many NGOs in South Africa have participated, together with their rural constituencies in policy processes that support various aspects of rural rights. Civil society, including rural communities, are active and vocal about their rights and South Africans have a legal right to protest. However, we are seeing an increase in violent policing, use of private security companies and attempts to change laws to have greater control over civil society organisations in South Africa.

Question 7: What do you consider to be priority issues that need to be addressed in the implementation of the Declaration?

Our organisation focuses on seed, agroecology and food sovereignty but these rights can't be secured without the implementation of the other rights included in the Declaration, especially in relation to land and water and other natural resources, women's rights, the rights to participate in decision-making and freedom of expression, movement etc.

Article 19 on the Rights to seed is critical at this time in Africa where we are seeing corporate influence in regional trade agreements seeking to introduce corporate seed and green revolution products and coercing countries to join UPOV '91 and implement these policies, which preclude the exchange and selling of seed. We are also seeing efforts to harmonise seed laws in the region based on UPOV policies discouraging farmer-led seed systems, which will coerce countries that have maintained sovereignty over their seed and agriculture systems to comply.

We also strongly support the rights related to biodiversity and associated cultural and traditional knowledge, as both are being eroded rapidly in South Africa. We note the prevalence of GMOs in South Africa's agriculture, and the contamination of farmer varieties of maize through this.

The right to a clean, safe and healthy environment and work environment is another critical issue in South Africa. The predominant commercial, industrial farming system uses many pesticides. There are 192 permitted pesticides in use in South Africa of which 57 are banned in the European Union. The pesticide industry has had a strong hand in the regulations permitting and governing the use of agricultural remedies with outdated legislation. There has been a strong civil society lobby to have these amended, however change has been slow – but with sustained advocacy and in line with the international commitments, South Africa is working towards the phasing-out of highly hazardous pesticides where i) the risks have not been managed, ii) where safer and affordable alternatives are available, and iii) to promote transition to those alternatives by 2035. Agricultural workers and rural communities continue to be adversely affected by contamination of air, land and water, including through aerial spraying of pesticides. These issues have been covered by the UN Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, Marcos Orellana, in his report on his visit to South Africa in rom 31 July to 11 August 2023. Download the report here:
https://www.ohchr.org/en/documents/country-reports/ahrc5752add1-visit-south-africa-report-special-rapporteur-implications