**Women’s Human Rights in the Changing World of Work:**

**The case of women oil palm plantation workers in Indonesia and Malaysia**

Submission by Pesticides Action Network Asia Pacific (PANAP) to the

UN Working Group on Discrimination Against Women and Girls

October 2019

**Background**

1. This submission draws largely on the report “Of Rights and Poisons: Accountability of the agrochemical industry”, published by PAN Asia Pacific in 2018.[[1]](#footnote-1) It focuses on the conditions of agrochemical usage and impact of that usage on women workers in the oil palm industry in Indonesia and Malaysia, the world’s two largest producers and exporters of palm oil.[[2]](#footnote-2)

**Main trends influencing women’s human rights in the world of work in Indonesia and Malaysia and their impact**

1. The challenges for women working in Indonesian and Malaysian oil palm plantations date back to the 1980s and as such are not a new phenomenon in the world of work. However, the concerted pursuit of profits under the dominant neoliberal economic model — marked by trade and investment agreements that have further weakened labour and environmental regulations as governments prioritise attracting capital — has given rise to greater vulnerability and human rights violations of these workers.
2. In particular, the growth of oil palm cultivation in the last 30 years with consequent intensified use of pesticides has increased the vulnerability of workers to acute poisoning and chronic health effects, which has also aggravated the cycle of poverty.
3. In Indonesia, 70 per cent of workers on the oil palm plantations are local casual workers, the majority of whom are women. As casual workers, they are not paid the minimum wage nor do they have any job security let alone social protection.[[3]](#footnote-3)
4. In Malaysia, of the 577,900 plantation workers, 60% are migrants with 2% women. This figure excludes undocumented and contract workers. Seventy per cent of these migrant workers are from Indonesia.[[4]](#footnote-4) Tenaganita, a local CSO has amply documented the conditions of work of migrants in the plantations and shown the horrifying abuse and slave-like conditions they face.
5. Around 9,000 women plantation workers are registered with the National Union of Plantation Workers but this is an underestimate as many are working as contract workers. There is no data of their actual numbers. Mostly these workers were previously employed on rubber plantations or in the case of the State of Sabah, the country’s top palm oil producing State, from the indigenous communities there.[[5]](#footnote-5) These are women with little formal education and opportunity to obtain better jobs elsewhere. Legally they receive the minimum wage of RM1,050 (USD262). In reality their take home pay is less with wages linked to productivity and deductions made by employers.[[6]](#footnote-6)
6. As oil palm plantation workers, women are amongst the poorest in both countries. In this export-intensive commodity sector, they are susceptible to the vagaries of the global supply chain especially since Indonesia and Malaysia supply around 85 per cent of global trade. The European Union’s controversial plan to ban biofuels to save rainforests, for example, is thus expected to adversely impact corporate profits if enforced.[[7]](#footnote-7) This may impact the livelihoods of the women workers.
7. As workers at the bottom of the global supply hierarchy, these women experience additional challenges around their isolation, invisibilisation of experiences, lack of influence in decision-making, and the near impossibility of accessing decent work compounded by the burden of care work that is placed on their shoulders.
8. 9. While the Malaysian government has announced a cap of 6.5 million hectares for oil palm plantations in the country by 2023,[[8]](#footnote-8) its Indonesian counterpart has targeted expanding the industry further with another 29 million hectares under the 2011 Master Plan for Acceleration and Expansion of Indonesia’s Economic Development.[[9]](#footnote-9) Against this backdrop of continued large scale commercial oil palm expansion, the concerns raised in this submission remain relevant and need urgent redress.[[10]](#footnote-10)

**Risks for women’s rights to work and women’s rights at work**

***Exposure to agrochemicals including Highly Hazardous Pesticides (HHP)*[[11]](#footnote-11)**

1. 10. The PANAP report showed how as maintenance workers women’s daily work on the oil palm plantations as pesticide sprayers exposes them to pesticides including those classified as highly hazardous[[12]](#footnote-12) such as paraquat and glyphosate, which were commonly used. A short description of Harm caused by highly hazardous pesticides is provided in Appendix 1
2. 11. In Indonesia, for example, sprayers were required to cover 1.5 hectares per day, while those handling fertilisers had to apply up to one tonne of fertiliser daily. Carrying heavy tanks of pesticides for many hours on their backs causes considerable strain,[[13]](#footnote-13) but also comes with an increased likelihood of occupational poisoning as a result of leaking and spillage as well as direct exposure from spraying. This risk is intensified by the women’s low awareness of the toxic materials they were handling and their poor working conditions such as a lack of washing facilities.
3. 12. Dizziness, headaches, excessive sweating and difficulties in breathing were the most commonly reported signs of pesticide poisoning amongst the Indonesian oil palm plantation workers surveyed. There appeared to be an inverse relationship between the provision of Personal Protective Equipment (PPE) and the incidence of poisoning.[[14]](#footnote-14) Out of 57 workers interviewed, 55 had health concerns due to pesticide exposure. Those with symptoms, however, usually did not inform the management because of the poor response to previous attempts at reporting poisoning incidents.
4. 13. Workers in Malaysian oil palm firms shared the same symptoms as those in Indonesia and reported also experiencing itchiness, nausea, vomiting, skin rashes, blurred vision, hand tremors, stomach aches, coughs and the flu. In Selangor, more than half the respondents displayed one or more symptoms of pesticide poisoning. Almost all the women respondents reported a burning sensation and itchiness in the genital area.
5. 14. This is of particular concern given the demonstrated link between exposure to pesticides and women’s reproductive problems such as birth defects, infertility, delayed time to pregnancy, spontaneous abortion and still births, preterm birth, intrauterine growth retardation, perinatal mortality, [and] endometriosis.[[15]](#footnote-15)

***Poor working conditions*[[16]](#footnote-16)**

1. Lack of Personal Protective Equipment (PPE) increases the risk of exposure to hazardous agrochemicals.
2. In Indonesia, not all workers were provided with PPE as this depended on their respective employers. For instance, one corporation gave sprayers PPE but made those applying fertiliser purchase their own. Another made its pesticide sprayers buy PPE at around USD48.50 per person. This was costly so the women worked without PPE and instead wrapped scarves around their faces to protect themselves from the fumes.
3. The remaining two corporations provided their workers with PPE — gloves, overalls, goggles, masks, boots, long sleeves shirts and pants — but the workers opted not to wear these because they were impractical and uncomfortable. They said the goggles were “dewy” or obstructed their vision, while the clothes were oversized and “heavy” or made them feel hot and experience shortness of breath. Importantly, they said they would rather not wear their PPE as these impeded their ability to meet work targets.
4. For many, safety precautions are viewed as a luxury. In the Sabah plantations, only two workers said they followed the direction of the wind when spraying. The others did not and would rather risk being engulfed in a mist of poison because as one worker explained, “If we follow the wind or wait until the direction of the wind is right, we will be left behind by our co-workers”.[[17]](#footnote-17)
5. Workers in Malaysia had similar experiences with PPE as those in Indonesia. Most in Sabah did not receive this from their company and had to purchase their own. There was one company that provided PPE but comprising “gloves, a towel to cover [your] mouth, and rubber shoes” and “long sleeves shirt, long pants, and hat”, its workers thought these to be inadequate. The workers in Sabah and Selangor preferred not to wear the PPE or not have it on all the time because they found it uncomfortable wearing this for long hours in the hot and humid tropical conditions.
6. In Sabah too, workers reported incidents of spillage while mixing pesticides, loading or carrying the spray tank or spraying. This usually occurred due to the spraying hose clogging or breaking, or when workers slipped and fell onto the ground. When this happened, they were unable to immediately wash off the pesticides due to the lack of washing facilities.
7. Of the four companies surveyed in Indonesia, only one provided workers with facilities to wash up (water from a well and antiseptic soap) after they had performed their job. Two others had washing facilities too but far from the working area so their workers relied on a nearby river to wash their hands and bathe instead. Workers of the remaining company brought their own water to drink and clean their faces.

***Inadequate access to information, inadequate training on hazards*[[18]](#footnote-18)**

1. The lack of awareness of the dangers of pesticides and lack of access to training on safe handling of these materials also contributed to these workers having a higher risk of exposure to hazardous agrochemicals. Many respondents did not recognise what type of pesticides they were handling nor the dangers that came with these.
2. In Indonesia, women plantation workers knew the brand names only from reading product labels; some who mixed these pesticides admitted to ignoring the details on the labels — written in small print and in English which most could not understand — so that they could meet their daily work targets. In three companies where the supervisor handled the mixture at the central office, poured this into the water tank trucks and distributed it to sprayers in the field in unlabelled jerry cans, there was no way for the women workers to know what pesticides they were given.
3. This was the case as well in Malaysia where the supervisor would distribute the mix into small bottles before diluting this for spraying. As such, the workers did not see their labels or the original containers.
4. Only two out of the four companies surveyed in Indonesia offered their workers training on the proper usage of the pesticides they were expected to handle. One held 1-2 hourly sessions every three to six months but these were largely theoretical. The other gave its workers a two-hour field training on spraying pesticides following the wind direction. However, it did not teach them the names and potential hazards of these materials, including what to do in the event of accidental spillage. Only one of the firms in Malaysia gave training on the proper use and storage of pesticides. Otherwise, workers were only taught how to measure pesticides for mixing.
5. One result of inadequate access to information and training was harmful practices like the improper storage and disposal of these pesticides and their containers. In Sabah, some workers kept these poisonous materials at home; others disposed of leftovers (or their containers) by burying, burning or throwing this into the fields or into rubbish bins along with other waste. Some were photographed reusing these containers for water or food storage.

***Lack of medical facilities*[[19]](#footnote-19)**

1. The medical facilities on the Indonesian plantations surveyed were not equipped to provide adequate medical attention. These lacked equipment and personnel and only prescribed medicine for headaches regardless of one’s symptoms. The women thus preferred to seek medical assistance outside the plantation at their own expense.
2. The three plantations in Sabah were the worst: they did not have any medical facilities. Even if workers needed urgent medical care, they would need to travel 70-100 km to the nearest clinic or take a dangerous boat ride. They would also have to bear their medical expenses on their own.
3. *Casualisation of women’s labour*[[20]](#footnote-20)
4. Like other oil palm plantations in Indonesia, the overwhelming majority of workers employed by the four corporations surveyed were casual labourers. This allowed the firms to pay these workers below the minimum wage. Thus, instead of earning IDR2,491,618 (USD185) a month, i.e. the minimum rate, they only made an average of IDR1,880,000 (USD139). As casual workers, they also had no social security benefits such as health insurance, accident insurance, life, old age and pension insurance. Neither did they have any access to childcare services.
5. All the women interviewed in the two 2016 research locations in North Sumatra had their employment capped at under 21 days a month, a strategy firms commonly use to avoid giving workers a permanent status, and the legal entitlements that come with this. These women plantation workers thus had no employment contracts or agreements. Of another 22 women working as sprayers in a third company, 19 were casual labourers despite having worked with the company for ten years.
6. Although it is too early to know if these women, who are responsible for the overall maintenance of the oil palm plantation, will be displaced by automation in future, this possibility cannot be discounted given corporations continuously search for ways to cut production costs for greater profits. In such a scenario, their prospects for obtaining alternative employment is bleak given they are lowly skilled and poorly educated.

***Complicit states*[[21]](#footnote-21)**

1. Indonesia and Malaysia are party to the UN Convention on the Elimination of Discrimination Against Women (CEDAW) and have adopted the International Code of Conduct on Pesticide Management.
2. Both have also enacted relevant legislation — for example the Pesticides Act 1974 and Pesticides (Labelling) Regulations 1984 in Malaysia and the Law No. 1 of 1970 on Occupational Safety and Manpower Ministry decree number (PER.08/MEN/VII/2010) and Decree of the Minister of Agriculture No. 39 on the Registration of Pesticides (PER/SR.330/7/2015) in Indonesia — for the protection of these workers.
3. The lack of state action against oil palm plantation and agrochemical companies that jeopardise the health and safety of workers with their disregard for precautions around the usage of agrochemicals is in violation of the international commitments and national laws of these countries.
4. For instance, Article 5.2.5 of the International Code of Conduct on Pesticide Management, requires agrochemical firms to “halt sale and recall products as soon as possible when handling or use pose an unacceptable risk… and notify the government”. This has not taken place. Another provision, Article 3.6, states that “Pesticides whose handling and application require the use of PPE that is uncomfortable, expensive or not readily available should be avoided…”.[[22]](#footnote-22) None of the firms appeared to have made an effort in this regard. Government of both countries have also not taken action on this regard.
5. Neither have these governments conducted health surveillance programmes of workers exposed to pesticides, investigate or document poisoning cases as stipulated in Article 5.1.3 of the Code nor did they keep reliable data on health effects of pesticides and pesticide poisoning incidents (Article 5.1.6). Their lack of awareness about the dangers of pesticides due to the failure of plantation companies, manufacturers and sellers, and relevant government bodies goes counter to Article 9.2.1 which grants workers the right of access to information.
6. The continued use of HHPs exacerbated by a lack of suitable PPE and sufficient training on how pesticides should be handled has resulted in many women oil palm plantation workers experiencing or at risk of occupational poisoning. This has serious implications on women’s rights to work and at work, particularly as the PANAP study notes, “Women are more susceptible to the harmful effects of pesticides than are men for reasons that include having a higher proportion of body fat and of hormonally sensitive tissues”.[[23]](#footnote-23) Certainly, such practices run contrary to Article 11 of the CEDAW Convention which upholds women’s right “to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction”.
7. Further, the CEDAW Committee’s General Recommendation 34 on the rights of rural women states that “parties should implement agricultural policies which support rural women farmers, recognise and protect the natural commons, promote organic farming, and protect rural women from harmful pesticides and fertilisers”. Both the Indonesian and Malaysian governments have demonstrated little initiative in this regard. This is despite the latter agreeing at the Fourth Session of the International Conference on Chemicals Management in 2015, that action be taken against HHPs, and instead replace these with agroecological practices.
8. **Recommendations**
9. Malaysia and Indonesia have yet to sign on to ILO Convention 184 ‘Safety and Health in Agriculture’ that enshrines the rights of workers in agriculture including ensuring that they are given information on safety and health matters, have safety and health representatives, and can remove themselves from harm of agrochemicals without being penalised for their actions. Both need to adopt this convention immediately.
10. Malaysia will officially ban paraquat usage on its oil palm plantations on 1 January 2020.[[24]](#footnote-24) This is long overdue but nonetheless, laudable. However, rather than using this as an opportunity to wean estates off HHPs and accelerating support for agroecological farming methods which would promote greater sustainability, the government has instead encouraged estates to switch to glyphosate and glufosinate-ammonium,[[25]](#footnote-25) both of which are also on PAN International’s list of HHPs. At the very least, both governments need to demonstrate its proposed timeline towards ridding the industry of these hazardous pesticides.
11. Until such time, Malaysia and Indonesia need to ensure that oil palm plantation firms under their watch improve the training of their workers to ensure they are fully aware of the dangers in being exposed to these poisons. Companies should also be mandated to provide PPE that is functional particularly in the tropical climate; washing facilities that are accessibly located; and medical facilities that are adequately resourced.
12. Given that many workers indicated they were prepared to forgo their personal safety and health to meet daily work targets, companies also need to review these targets, which at present are being prioritised at the expense of the health and wellbeing of their employees.
13. As stated earlier, those working at the bottom rung of the oil palm plantation industry live highly insecure lives. This is made worse for women workers in Indonesia who are largely casualised labour and do not have any form of social protection for when they are older. Given this, the Indonesian government needs to offer these women some form of social security to ensure that they do not fall destitute or impoverished once they are no longer able to work.
14. Their counterparts in Malaysia, although technically earning a minimum wage and with some form of social security, barely earn enough over their lifecycle to ‘retire’ comfortably, especially since the majority will outlive their male spouses but likely to suffer from poor health following years of backbreaking work. The government thus needs to introduce measures that take into account the specific needs of this marginalised group of women.

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**APPENDIX 1: WHAT ARE HIGHLY HAZARDOUS PESTICIDES**

Pesticides are the only toxic chemicals that are intentionally released into the environment to kill. Current use pesticides[[26]](#footnote-26) contaminate every environmental medium; they travel thousands of kilometres through the air;[[27]](#footnote-27) they are carried through rivers and seas to distant locations; they are having a devastating effect on biodiversity including beneficial insects; they are undermining the sustainability of food production systems; they kill an unknown number of farmers, workers, children and animals every year; they alter gene pools; and they are costing society billions of dollars in adverse impacts – because there is no real global programme of management. So little attention has been paid to the problem of pesticides, there is no accurate estimate of global acute pesticide poisoning, and no clue at all as to the global level of chronic health impacts. Nor is there any real understanding of the extent of impacts on ecosystems.[[28]](#footnote-28)

The assumption that it is safe to douse the landscape with pesticides at industrial levels, based on the results of a “few field tests” is false, according to the UK’s Department of Environment, Food and Rural Affairs’ chief scientist, who has proposed a global monitoring programme for pesticides.[[29]](#footnote-29)

Despite this drenching of the planet in pesticides, 20-40 percent of global crop yields are still being lost to plants and diseases; clearly the current approach to pest management is not working adequately.[[30]](#footnote-30)

1. The report collated the findings of fact-finding missions and community-based pesticide action monitoring in seven countries in Asia. The Malaysian and Indonesian components ran from 2015-2017 and involved 120 plantation workers — almost two-thirds (75) of whom were women — identified through purposive sampling. In Malaysia, the 49 (28 women, 21 men) respondents came from six plantations in the State of Selangor and Sabah. Two of the plantation sites in Selangor are owned by the world’s largest plantation company with the Malaysian government as its biggest shareholder; while the plantations in Sabah have been operating for more than ten years through lease agreement with indigenous villagers. The 71 (47 women, 21 men) respondents in Indonesia were employed by four plantation corporations in North Sumatra, one of Indonesia’s top palm oil producing province (Rengam, 2018: 124-125, 139). https://panap.net/2018/10/of-rights-and-poisons-accountability-of-the-agrochemical-industry/ [↑](#footnote-ref-1)
2. Oil palm plantations cover 11.9 million hectares of land in Indonesia while in Malaysia they cover 5.8 million hectares (New Straits Times, 5 March 2019, Rengam et al., 2018: 26-27). [↑](#footnote-ref-2)
3. Rengam et al., 2018: 26, 46. [↑](#footnote-ref-3)
4. The Star Online, 8 April 2017. [↑](#footnote-ref-4)
5. This is the country’s top palm oil producing State. [↑](#footnote-ref-5)
6. New Straits Times, 28 September 2018. [↑](#footnote-ref-6)
7. Robinson and Purnomo, 2019; Ellis-Petersen, 2018. [↑](#footnote-ref-7)
8. New Straits Times, 5 March 2019. [↑](#footnote-ref-8)
9. Rengam et al., 2018: 26, 123. [↑](#footnote-ref-9)
10. In September 2018, the Indonesian government finally passed a moratorium on the oil palm plantation permit policy to counter criticisms of loss of biodiversity and deforestation. This was expected to help slow down land expansion, amongst others, by increasing land productivity to keep up with demand (The Jakarta Post, 15 December 2018). Regardless, the scale of plantation expansion remains very large. [↑](#footnote-ref-10)
11. Rengam et al., 2018: 125, 130, 148. [↑](#footnote-ref-11)
12. PAN International List of Highly Hazardous Pesticides, <http://www.pan-germany.org/download/PAN_HHP_List.pdf>. (These hazardous pesticides (HHPs) threaten people and the environment around the world.) [↑](#footnote-ref-12)
13. Although the women plantation workers surveyed by PAN Asia Pacific in its study in Indonesia did not emphasise the backbreaking nature of their job as sprayers, there is ample evidence documented elsewhere highlighting this aspect of their work. See for example, Yan (2017), Koesoemariwiria (2017), and Pye et al. (2016). [↑](#footnote-ref-13)
14. Pesticide poisoning was more widespread in one corporation which gave less protection to its workers compared to the rest. [↑](#footnote-ref-14)
15. Occupational studies on women in other agricultural industries elsewhere in the world have reiterated the link of pesticides to reproductive conditions (Rengam et al., 2018:12). [↑](#footnote-ref-15)
16. Rengam et al., 2018: 127, 143, 145. [↑](#footnote-ref-16)
17. Rengam et al., 2018: 145. [↑](#footnote-ref-17)
18. Rengam et al., 2018: 125, 128, 145, 148. [↑](#footnote-ref-18)
19. Rengam et al., 2018: 130, 145. [↑](#footnote-ref-19)
20. Rengam et al., 2018: 131, 151. [↑](#footnote-ref-20)
21. Rengam et al., 2018: 132-134, 152-155. [↑](#footnote-ref-21)
22. Indonesia’s Law No. 1 of 1970 on Occupational Safety and Manpower Ministry decree number PER.08/MEN/VII/2010 also makes it an offence when employers do not provide PPE that is appropriate to the type of risk a worker is exposed to, free of charge. [↑](#footnote-ref-22)
23. Rengam et al., 2018: 216. [↑](#footnote-ref-23)
24. New Straits Times, 18 March 2019. [↑](#footnote-ref-24)
25. Glyphosate has been declared a probable human carcinogen by the World Health Organization, while glufosinate-ammonium carries risks to humans especially the neurological development of the foetus (Rengam et al., 2018:211). [↑](#footnote-ref-25)
26. These are pesticides in current use or registration around the globe and are distinctly different from the now mostly obsolete organochlorine pesticides known as Persistent Organic Pollutants. [↑](#footnote-ref-26)
27. Atrazine, e.g., can travel over 1000 kilometres carried on dust and transported in clouds before being deposited somewhere in rain (Hayes & Hansen 2017). [↑](#footnote-ref-27)
28. UNEA 3, in December 2017, expressed concern about the impacts of pesticides on the environment and human health and requested the Executive Director of UNEP to present a report on these impacts and ways to minimize them, in collaboration with WHO, FAO and other relevant organizations by UNEA-5 (UNEP/EA.3/L.8/Rev.1). [↑](#footnote-ref-28)
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