



Ecocide

Corporations on trial

International Monsanto Tribunal, The Hague 2016

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All terms are in principle intended to be gender-neutral, spelling has been left to the discretion of the authors and translators.

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"This meeting is not only a fight against a multinational company, it is a commitment to life and freedom. It's all about stopping the big corporations, which are colonising our food system and our agriculture by enslaving our Mother Earth for their profit. (...) It is a fight for humanity and for the future of the planet."

Nnimmo Bassey, Nigeria, author and environmentalist

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Foreword	10
Oliver de Schutter	
The idea	20
Interview with René Lehnherr	
The circle is widening	24
Three reasons	28
Olivier de Schutter	
A process is getting started	31
The judges	36
The court clerks	
The lawyers	
Witnesses	
Toxic traces in Argentina	40
Diego Fernandez Bantle, farmer	
Damián Verzeñassi, Doctor for public health service	
Liz Maria Robledo, mother of a disabled child	
Deadly rice paddies	44
Kolon Arachchige Saman Prasanna, farmer in Sri Lanka	
Channa Jayasumana, expert in health and the environment	
The misery of animals	46
Ousmane Tiendrebeogo, farmer, Burkina Faso	
Krishan Bir Chaudhary, farmers' leader, India	
Ib Borup Pedersen, pig farmer, Denmark	
Art Dunham, veterinarian, USA	
Monika Krüger, veterinarian, Germany	

Manipulation of democratic processes	50
Miguel Lovera, agronomist, Paraguay	
Marcelo Firpo, health and environmental researcher, Brazil	
Shiv Chopra, scientist, Canada	
Obstruction of science	55
Exemplified by Gilles-Eric Séralini, molecular biologist	
War crimes	60
Operation “Ranch Hand” in Vietnam	
The voice of victims in Vietnam	
The plea of Jackson Nyamuya Maogoto	
The injured parties	62
The experts	
Concluding remarks of the Court	66
Judge Françoise Tulkens	
Roundup: Never-ending toxin	70
Marie-Monique Robin	
The “Monsanto Papers”	74
Esther Gerber	
The legal opinion	76
1. The right to a healthy environment	
2. The right to food	
3. The right to health	
4. The right to freedom of science and freedom of expression	
5. Aiding and abetting war crimes	
6. The crime of ecocide	

The Tribunal’s Appeal	83
Ecocide and the right of future generations	84
Emilie Gaillard	
Feedback and prospects	86
Afterword	90
Marie-Monique Robin	
You can’t play around with food! A world without agricultural corporations?	
Worldwide protests against “Monsanto Protection Act”	92
René Lehnherr	
Organic farming can feed the world	94
Hans R. Herren	
In favour of a radical change in agriculture	97
Raymond Gétaz	
The corporate responsibility initiative	100
Seeds for all.....	102
Appendix	
References	104
Approach and implementation	105

Monsanto in a nutshell	106
The merger	108
Bayer is taking over Monsanto	
Invitation to Monsanto	110
Letter to Bayer	114
The European Civic Forum	116
“Monsanto, a photographic investigation”	118
Mathieu Asselin	

Foreword

The People vs. Monsanto

Olivier De Schutter, Professor, University of Louvain (UCL) and former UN Special Rapporteur on the right to food (2008-2014)

A unique event took place in The Hague, Netherlands, between October 16th and 18th 2016. At the initiative of a large group of civil society organizations, an International Tribunal was established to assess the conduct of Monsanto against the requirements of international human rights law. The purpose was primarily pedagogical: it was to show the potential of international human rights and criminal law to address the impacts caused by the activities of a corporation such as Monsanto. The hearings in The Hague provided victims with a unique platform to express their concerns and to tell their stories, when they are often silenced or denied the possibility to publicize their situation. The event highlighted the rising expectations towards companies' behavior, as expressed in the Guiding Principles on Business and Human Rights adopted by the UN Human Rights Council in 2011. It also served to assess the promises of the emerging recognition in international criminal law of the crime of ecocide.

The Opinion was delivered on 18 April 2017. Its findings could empower lawyers representing victims in a range of countries to bring forward cases before real courts, or before regional or international human rights bodies. How, with the benefit of hindsight, can the initiative be assessed?

Since the first «Peoples' Tribunal» was established in November 1966, then at the initiative of Bertrand Russell and Jean-Paul Sartre, in order to put on trial the war led by the United States in Vietnam, a number of similar tribunals have been set up, to pass judgment on a range of situations in which States or other actors are accused of violating human rights or international law. Indeed, the «Permanent Peoples' Tribunal» is an attempt to transform this into a permanent monitoring body, in the hands of civil society in alliance with eminent jurists. The International Monsanto Tribunal is unique, however, both because of its composition -- it is made up of former international magistrates and jurists, rather than of activists from civil society -- and because of its mandate -- which is to assess Monsanto's activities based on the duties international law imposes on corporations, providing a robust legal reasoning in support of its conclusions.

Initiatives such as Peoples' Tribunals or the International Monsanto Tribunal do not challenge the authority of judicial bodies established under domestic or international law, with the competence to adopt judgments that are binding and must be executed by those to whom they are addressed. But such initiatives do serve to highlight that such judicial bodies may be difficult to rely upon by victims, and that alternative fora therefore may have to be created. Victims face a range of obstacles in having access to courts. Such obstacles include the costs of judicial proceedings or of the legal fees

claimed by lawyers, the difficulties of collecting evidence, the absence in many legal systems of class action mechanisms allowing for the filing of collective claims for mass torts, statutory limitations, or various doctrines of immunity. In transnational cases, these difficulties are further magnified by the failure of States to cooperate with one another, for instance in the collection of evidence or the sharing of information, in the freezing or seizure of assets, or in the recognition of foreign judgments with a view to ensuring their execution. Finally, specific obstacles result from how multinational corporate groups are organized: in such groups, one (parent) company owns, partly or fully, a large number of (daughter) companies domiciled in other jurisdictions (the so-called subsidiaries); or the lea corporation directs global supply chains by buying from suppliers located elsewhere, or selling to clients abroad, the goods or services that the firm sells on markets. Against this background, the International Monsanto Tribunal sends a powerful message: such obstacles, it suggests, should not be insuperable; they should not delay the adoption of judgments identifying responsibilities; they should not deny victims a right to be heard, and to publicly voice how they have been prejudiced. And although the International Monsanto Tribunal of course cannot act as a substitute for «real» courts to which victims have no access or that work under doctrines that makes it difficult or impossible to provide effective remedies to victims, it can, at least, provide a form of symbolic reparation -- by giving victims a voice and allowing magistrates to identify the existence of a legal responsibility.

The International Monsanto Tribunal is not a court, therefore, before which civil claims are filed, or before which Monsanto is prosecuted. Indeed, in order to avoid having to address delicate questions related to the rules of civil or criminal procedure that would otherwise have applied, the organizers of the Tribunal chose to set up a procedure which is consultative in nature: the Tribunal was asked a series of questions about the impacts of Monsanto's activities on human rights and whether such actions might constitute violations of international criminal law, and its «judgment» takes the form of an Advisory Opinion on the issues raised in these questions. «Advisory Opinion» means that it answered in the abstract: it therefore did not have to assess the damages suffered by victims (and the level of compensation owed by Monsanto); nor was it expected to decide whether Monsanto is «guilty», in order terms, whether there is sufficient evidence to find Monsanto to be criminally liable. That kind of assessment would be for «real» courts to do, courts established at national or international level, before which victims may file civil actions, or that may prosecute individuals or corporations suspected of criminal activities. Rather, the Monsanto Tribunal was asked to interpret international human rights law and international criminal law in the light of Monsanto's activities, but it was not acting as would, for instance, a civil court or a criminal court having to judge concrete situations. The Advisory Opinion delivered on 18 April 2017 nevertheless has proven useful to examine whether Monsanto's activities could potentially result in violations of the right to a healthy environment



SAUGET, ILLINOIS, 2012

MATHIEU ASSELIN

(increasingly recognized as part of international human rights law), of the right to food (due to the impacts on farmers of their dependence on seeds produced by Monsanto), of the right to health (due to the impacts on human health of pesticides, both for agricultural producers and farmworkers and neighboring communities) and of the freedom of academic research (since various tactics have been used in the past to silence researchers working, in particular, on the impacts of GMOs). It also examined whether the provision to the US Army of «Agent Orange» during the Vietnam war may be seen as a war crime; and whether, should the crime of ecocide be recognized in international criminal law, the activities of Monsanto could qualify as such. These are questions that the Tribunal addressed in the Advisory Opinion. The answers help promote the understanding of international human rights law. They certainly could encourage the filing of actions by victims before judicial bodies, and increase the pressure on states to take action against such abuses.

The Tribunal (as well as the People's Assembly organized in parallel in The Hague) also raised important questions about the future of our food system.

There is a common misperception that only large-scale, highly industrialized farming can «feed the world». And it is indeed true that industrial agriculture has delivered large production increases for major crops. Between 1961 and 2001, regional per capita food production doubled in Southeast Asia and the Pacific, South Asia, and Latin America and the Caribbean, largely on the back of high yielding crop varieties grown in highly-specialized 'industrial' monocultures boosted with high levels of synthetic fertilizers and pesticides.

The inefficiencies of industrial food systems are as impressive to our generation, however, as the technological advances of the Green Revolution impressed an earlier generation. Productivity increases in agriculture are not very useful if, at the same time, rural poverty and inequalities in rural areas increase due to certain types of agricultural development squeezing small farmers out of business, forcing them to join the cohort of urban poor living in slums at the outskirts of large cities in the developing world. We need agricultural development that reduces rural poverty, and the best way to achieve this is to support the kind of small-scale farming on which the vast majority of the rural population in low-income countries still depend. We cannot continue to ignore the fact that despite productivity increases in agriculture having consistently exceeded demographic growth during the past 60 years, we still have about 815 million people who are undernourished, and 2 billion people malnourished — relying on diets that are insufficiently diverse and who lack essential micronutrients.

But even more importantly, it is high time that we ask what kind of «productivity growth» is worth pursuing. Large-scale, highly industrialized monocultures are «productive» only in one sense: they produce large volumes of single commodities, to satisfy the needs of global markets, while economizing on workforce. In other

terms, the output per active laborer is relatively high, and therefore producers in this model are competitive on large markets. But such monocultures result in huge externalities (to the environment, to public health, and to rural development) that are not accounted for in the price of food. And they are in fact less productive per hectare than diversified farming systems that are developed to combine different plants or different outputs, combining various cultures with trees and animals. Many studies now show that there is in fact an inverse relationship between the size of the farm and the total output per hectare. In other terms: large-scale monocultures are good at achieving economies of scale and at producing large volumes of uniform commodities, but small-scale, diversified farming is more efficient in the use of resources (land and water) that are becoming scarce. That's the kind of agriculture we need to promote in the 21st century: one that reduces the need for inputs (particularly based on fossil energies), that creates employment in rural areas, and that produces the most per hectare of cultivated land. The model of farming promoted by Monsanto and its likes in the agro-industrial systems is at the exact opposite end of the spectrum.

A number of developments that took place since the International Monsanto Tribunal convened in The Hague in October 2016, confirm the relevance of the concerns expressed in the Advisory Opinion. In October 2017, the «Monsanto Papers» came out: the result of discovery procedures before the courts in the United States, they show a wide range of tactics used by Monsanto to silence its critics, whether they are ordinary citizens, scientists who express concerns about transgenic foods, or indeed their clients themselves -- the farmers who depend on the seeds and herbicides that Monsanto produces. These documents also illustrate the reliance by Monsanto scientists on «ghost-writing» -- papers prepared by these scientists but published, against payment of a fee, by ostensibly «independent» scientists in scientific journals --. And they highlight the routine practice of manipulating scientific evidence in order to mislead regulatory bodies.

Such tactics may pay. Just weeks after the Monsanto Papers were released, the European Commission proposed to renew the approval of the active substance glyphosate for a period of five years: it obtained the consent of the EU Member States on 27 November 2017, and confirmed this renewal on 12 December 2017. This episode again illustrated the perverse impacts of such tactics, and the powerful influence the industry may exert on regulatory agencies. It is worth recalling that in 2015, the International Agency for Research on Cancer (IARC), the World Health Organization's cancer agency, basing itself on the review of a total of about 1000 studies, classified the key ingredient in Roundup, glyphosate, as «probably carcinogenic to humans» (Group 2A, a ranking corresponding to international standards based on the strength of the scientific evidence available). This classification was made on the basis of «limited evidence» of cancer in humans, a conclusion reached on the basis of studies of real-world exposure of farmworkers and forest workers exposed to spraying, including

case-control studies suggesting that people exposed to glyphosate had a higher incidence of non-Hodgkin's lymphoma, a rare type of cancer that could not be explained by other pesticides; of «sufficient evidence» of cancer in laboratory animals, based on two feeding studies of mice with «pure» glyphosate, providing evidence in both studies of the emergence of rare cancers, some of which were malignant; and of «strong evidence» of mechanistic information related to carcinogenicity (for genotoxicity, i.e., damage to the DNA, and oxidative stress) for both «pure» glyphosate and glyphosate formulations. To ensure the full impartiality of its review and for the sake of transparency, the IARC committee only considered publicly available studies from scientific journals and government sources. In its Monograph 112 on glyphosate, released on 11 August 2016 and detailing its findings, the IARC confirmed its classification of glyphosate as «probably carcinogenic to humans», concluding: «There is strong evidence that exposure to glyphosate or glyphosate-based formulations is genotoxic based on studies in humans in vitro and studies in experimental animals».

Yet, instead of taking the IARC findings as its starting point, the Commission relied on the conclusions reached by the European Food Safety Authority (EFSA) and the European Chemicals Agency (ECHA). The main difference between EFSA and ECHA on the one hand, and IARC on the other hand, is that EFSA and ECHA take into account industry data providing toxicological studies that are not available in the public domain -- in fact, that appears to constitute their main source of information. On 15 March 2017, based on the proposal of the German Federal Institute for Occupational Safety and Health / Federal Office for Chemicals, the Risk Assessment Committee (RAC) of the European Chemicals Agency took the view that there is no evidence to link glyphosate to cancer in humans, based on the available information, and that glyphosate should not be classified as a substance that causes genetic damage (mutagen) or disrupts reproduction. The assessment was based, «apart from the published studies on glyphosate», on «the original reports of studies conducted by industry». (It should be noted however that the Risk Assessment Committee of the European Chemicals Agency solely pronounces itself «on the hazard classification of the substance. The classification is based solely on the hazardous properties of the substance. It does not take into account the likelihood of exposure to the substance and therefore does not address the risks of exposure». In that sense, its role and methodology are not identical to those of the IARC).

In October 2015, similarly, the European Food Safety Authority (EFSA) concluded that «glyphosate is unlikely to pose a carcinogenic hazard to humans». That finding was made on the basis of a peer review of the initial risk assessments carried out by the German Federal Institute for Risk Assessment (BfR), the competent authority of the rapporteur Member State Germany, for the pesticide active substance glyphosate. The EFSA's findings prompted 96 independent scientists to send an open letter to the European Commission, urging the Commission to reject the EFSA's findings because

they «do not reflect the available science.» Indeed, these scientists noted that significant portions of that review were simply copy-pasted from documents provided by Monsanto, which dominates the market for glyphosate-based herbicides with its flagship product Roundup. As noted by the European Parliament in its resolution of 24 October 2017, the internal documents by Monsanto concerning Roundup, the herbicide produced by Monsanto, which the company was forced to release in the context of litigation in the US brought by plaintiffs who claim to have developed non-Hodgkin's lymphoma as a result of exposure to glyphosate, «cast doubts on the credibility of some studies, both Monsanto-sponsored and presumably independent ones, which were among the evidence used by EFSA and ECHA for their evaluation of the safety of glyphosate».

Nor is this all. During this same period following the convening of the International Monsanto Tribunal, Monsanto sought to obtain from the Avaaz Foundation, by filing a petition before the courts of the United States, all documents related to Monsanto (or, more precisely, related either to Monsanto, or to glyphosate or glyphosate-containing herbicides, or to the International Agency for Research on Cancer (IARC), among others). The petition was provisionally dismissed -- the dispute is still pending at the time of writing --, but it already may be seen as exercising a powerful chilling effect on all activists who are trying to challenge Monsanto's dominance of food systems or its attempts to influence regulators.

As this publication goes to press, the battle is still being fought. On the one hand, the acquisition by Bayer AG of Monsanto, for an amount of 66 billion USD, shall lead to further concentration in the seed and agrochemicals markets, restricting the choices of farmers, discouraging innovation, and ultimately restricting the diversity in our plates. It should be recalled that commercial plant breeding was almost entirely in the public domain or in the hands of producer cooperatives and small family seed companies until the 1970s. At that time, inspired by potential synergies between plant breeding genetics and pesticide development, companies primarily engaged in pharmaceuticals and crop chemicals began to acquire small seed companies. Whereas no single enterprise could claim to have even 1% of global commercial seed sales in the 1970s, today, the leading six seed and pesticide enterprises have more than 60% of the global seed market and more than 70% of the pesticide market. If the current round of acquisitions continues as proposed (following DuPont's merger with Dow Chemicals, Syngenta's merger with ChemChina, and now Bayer's takeover of Monsanto), the three surviving entities will have substantially more than 60% of the combined world sales in both seeds and pesticides -- the new juggernaut, «Baysanto», capturing about one quarter of the global market, in the absence of merger-related sell-offs that regulators may require.

On the other hand, public opinion is increasingly mobilized on these issues. The European Citizens' Initiative «Stop Glyphosate», which was registered on 25 January 2017, called on the Commission «to propose to member states a ban on glyphosate, to reform the pesticide approval procedure, and to set EU-wide mandatory reduction targets for pesticide use». On 6 October 2017, the European Commission officially received the submission of the ECI, since at that date, the ECI had been supported by 1,070,865 citizens from at least 7 Member States. (In addition, 116,879 citizens signed the ECI after that cut-off date, bringing the total number of signatories to 1,187,744).

«Who wishes to do something finds a means. Who wishes to do nothing finds an excuse». The Arab saying applies perfectly to the activists who established the International Monsanto Tribunal, and worked for many months to make it happen, and then to disseminate and build on its conclusions. The International Monsanto Tribunal was looking back at the evidence; but as these recent developments show, it was also forward-looking. It warned us about the dangers of increased concentration of power in the agrochemicals and seeds industries. Let us listen.



THE PEOPLE'S ASSEMBLY TOOK PLACE AT THE SAME TIME AS THE TRIBUNAL.

EMOLI népgyűlés
Kuvendi njerëzve
Skupština naroda
perakitan rakyat
xalqların assambley



The idea

Extracts from an interview with René Lehnherr, Monsanto Tribunal Organising Committee, trade union event, 13 – 29 March 2017, and answers to additional questions by Michael Rössler (EBF), July 2017

What led to the idea and the implementation of the Monsanto Tribunal?

At the invitation of the European Civic Forum and the Longo Maï cooperatives, a few years ago three Columbian farmers were on a fact-finding mission through Europe to report on the consequences of the free trade agreement between Columbia and the USA. They told us how the US American corporation Monsanto was applying pressure to change agricultural legislation for its benefit so that farmers were forced to buy the corporation's seeds. Based on this fact, the Police destroyed the traditional seeds of all those who were opposed to Monsanto's schemes. Thousands of tonnes of seeds were destroyed. Fortunately, the law was in the meantime amended. A form of compromise emerged. Farmers are permitted to use their own seeds again, but are not permitted to either sell or exchange them, which in turn implies that young farmers, who want to take over a farm, still have to purchase the seed from Monsanto. At the same time the European Parliament was holding discussions on the patenting of seed – a project which was thankfully rejected in spite of strenuous lobbying by the agrochemical corporation. All these events motivated me to learn more about Monsanto. I was so shocked and outraged by what I discovered time and again that I vowed to myself that legal action would have to be taken against Monsanto at the International Criminal Court (ICC) in The Hague. The problem: The USA has absolutely no involvement with the ICC. In the case of the detention of US citizens, the American government is even entitled to militarily release them. That is absolutely black and white! Legal action was not therefore an option. I then came upon the idea of establishing a civil society tribunal, which could hear the case of the corporation's crimes.

You managed to persuade some personalities to help get this tribunal up and running...

Yes, amongst the first to show an interest was the Swiss agricultural and development expert, Hans Rudolf Herren, holder of the 1995 World Food Prize, and Corinne Lepage, member of the European Parliament and president of the "Committee for

Independent Research and Information on Genetic Engineering” (CRIIGEN)¹. Olivier de Schutter, former UN Special Rapporteur on the Right to Food, came to play a key role in providing legal advice and research in which he included his students. We received critical support from the author and film director, Marie-Monique Robin, who shot the film “The World According to Monsanto”. She mobilised all her contacts. Soon Vandana Shiva, the world famous activist from India, also came on board... And so the the idea gradually took the form of organising a tribunal, which was to invoke existing law, unlike the Russell Tribunal, which was based on morality and ethics.²

As mentioned, included in the organising committee are well-known personalities, as well as “ordinary” citizens from various countries and continents, all indisputably with very different characteristics. How was it possible to get everyone pulling in the same direction? Where did the problems lie?

Of course, the individuals from the thirty-strong organising committee were very different people, who also represented a variety of organisations and that’s why the whole thing was not, of course, without conflict. However, what time and again proved crucial in this was the view of everyone that we would only be able to achieve this huge undertaking by working together. We had, however, imposed a few principles on ourselves, for instance, that we did not want to have any representatives of a political party in the committee nor any representatives of a very large, global NGO. Without these principles, a lot might have been more convenient, but not only would we have been labelled ourselves – and the credibility of the tribunal would have suffered as a result – but we would actually also have to permanently deal with the constraining interests of a party or of a large-scale NGO.

Organising the tribunal cost money. How did the financing come about?

About one third came through crowdfunding, in other words small donations put together, mainly via PayPal. One third through sponsors and foundations, and one third through private donations via banks and donations by organisations.

¹ CRIIGEN: Comité de Recherche et d’Information Indépendantes sur le Génie Génétique

² Court of opinion, which in particular denounced the policy of the USA in the Vietnam war.

As we didn't have any crowdfunding experts amongst us and my modest knowledge of fundraising was not transferable to crowdfunding, as you would expect, the difficulties encountered in getting started were significant. Mainly because crowdfunding is something completely different from classic fundraising. And so six months before the tribunal we were still hesitant as to whether we would find the money needed in time for the travel expenses of witnesses and experts, rent for premises and the whole of the technical infrastructure. Thankfully the crowdfunding experienced a massive upswing a few weeks before the tribunal, which meant that we managed after all and were even able to put aside some money for organising the presentation of the expert opinion of the judges on the 18 April 2017.

The tribunal was finally established and sat on the 15th and 16th October in The Hague. During the two-day hearings, 30 witnesses were called upon. At the same time, the "People's Assembly" took place, an international meeting of representatives of civil society. What was the objective?

It was all about presenting alternatives to the agricultural industry. Because Monsanto and the other multinational corporations are constantly saying that world food can only be guaranteed using its technologies and products. But that is incorrect. On the contrary, if you were to calculate all the damage that Monsanto inflicts on man and his environment, and claim compensation, the corporation would be bankrupt. The figure would run to hundreds of billions of dollars. The same applies for Bayer or other corporations. It would be a welcome departure if, for example, the UN were to organise such a study.

How could it be assumed that the judges of the Tribunal would reach an independent verdict?

Purely on the basis that these were highly experienced and outstanding legal experts. The organising committee had even imposed upon itself a ban on contact with the judges in order to prevent any potential collusion. Two people, who were not members of the organising committee, were given the task of guaranteeing the minimum technical coordination (travel, hotels, etc.) with the judges.

Following the hearings in October 2016 at The Hague we (members of the organising committee) assumed that the judges would publish their legal opinion in December of the same year. We were first of all disappointed when we found out that they would

need at least six months to be able to present well-established legal opinion. In the end, however, this was a good thing. Nobody can now maintain that the judges acted flippantly. Following the public presentation of the legal opinion in The Hague in April 2017 we were then able to finally get to know the five judges, the court clerk and his colleagues personally.

What would you recommend to anyone wishing to set up something similar?

Even if you are convinced of the necessity for the undertaking, but your friends tell you that it is unrealistic and utopian to organise something of this kind, that it is too dangerous or not your field of expertise, you need to engage your own selective hearing for a period of time, be pigheaded and suffer a few sleepless nights. If the project then takes shape, there will usually be some kind of reconciliation and you can count on your former sceptics and on newly engaged and motivated people to come on board. For the sake of honesty I must, however, admit that if during the inception phase Marie-Monique Robin had spurned my enthusiasm when visiting her in Paris, I would have buried the project. Thankfully, at that time she was even prepared to be the “Marraine”, the godmother that is, for the tribunal.

How was it possible to get the tribunal up and running within a relatively short period of time?

A huge debt of gratitude is owed in particular to all of the people, who for about twelve months in the run-up to the tribunal were fully focused on the task in hand in preparing for the tribunal, almost all of whom worked unpaid. These were mainly people from the organising committee, but also some who were not formally acting on the organising committee list. Without their efforts the tribunal would never have become a reality. As well as the experts, the all-rounders were also very important.

Of course, not everyone was equally involved nor always at the same time, but everyone made his or her contribution to ensuring it was a success. I could name individual names but this would undermine the joint nature of the efforts involved. That’s why I would like to thank everyone, who worked hard to ensure the success of the tribunal.

The circle is widening

THE ORGANISING COMMITTEE

In alphabetical order

Arnaud Apoteker (F) has jointly worked on numerous Greenpeace campaigns. In 1996 he was responsible for the campaign against genetic engineering in France. Between 2011 and 2015 he was in charge of the Greens/EFA's anti-genetic engineering campaign in the European Parliament. He is the author of books about the environment and food.

Valerie Cabanes (F) is a lawyer specialising in international law, in particular international humanitarian law and human rights. She is legal counsel and lecturer in social and health matters and a spokesperson for the Citizens' Movement "End Ecocide on Earth".

Ronnie Cummins (USA) is Director of the "Organic Consumers Association" boasting two million members and its Mexican sister organisation «Via Organic». He is a member of the executive board of "Regeneration International", an NGO, which campaigns against global warming and rural poverty, and he leads the global campaign "Millions against Monsanto".

Olivier De Schutter (B) is professor at the University of Leuven, a member of the UN Committee for Economic, Social and Cultural Rights and Co-President of the independent International Panel of Experts on Sustainable Food Systems (IPES). Between 2008 and 2014 he was the UN Special Rapporteur on the Right to Food.

Emilie Gaillard (F) teaches private law and lectures in international environmental and human rights at the University of Caen and in 2008 wrote the research paper "Future generations and private law. Working towards rights for future generations". She is taking part with her specialist knowledge in the Citizens' Movement "End Ecocide on Earth".

Hans Rudolf Herren (CH) is the founder of BioVision and president of the Millennium Institute. He coordinates the agriculture chapter in two UN reports: "Green Economy (2011) and Avoiding Future Famines: Strengthening the Ecological Basis of Food Security through Sustainable Food Systems (2012)". He is a member of the advisory group to the UN Commission on Hunger, Food Security and Nutrition.

Corinne Lepage (F) is a former French environment minister and a member of the European Parliament between 2009 and 2014, and has specialised as a lawyer in environmental issues since 1975. She is the co-founder of the independent research institute on genetic engineering CRIIGEN (Committee for Independent Research and Information on Genetic Engineering).

André Leu (Australia) is the author of the prize-winning book “The Myths of Safe Pesticides”. He is president of IFOAM (International Federation of Organic Agricultural Movements) and a founding member of “Regeneration International”. He gives speeches all over the world and advises farmers, consumers, NGOs, industry, the UN and governments.

Marie-Monique Robin (F) is a journalist, director and author and has made numerous documentary films all over the world. Her best known work, the best-seller “The World According to Monsanto” has been translated into 22 languages and broadcast as a film on more than 50 international television stations. The Monsanto Tribunal is under her patronage.

Gilles-Éric Séralini (F) has been Professor in Molecular Biology since 1991 at the Institute of Fundamental and Applied Biology (IBFA) at the University of Caen. He is co-director of the research program Risk, Quality and the Environment of the “Maison de la Recherche en Sciences Humaines” at CNRS. In 2012 he published a study in which the acceptability of the GMO variety of maize NK 603 was questioned in feeding experiments with rats.

Vandana Shiva (India) in 1991 founded the Navdanya Movement for the protection of diversity and integrity of biological resources, particularly of native seeds and to promote organic farming and fair trade. She also gave impetus to the global women’s movement “Diverse Women for Diversity”, which works in the areas of food, agriculture, patents and biotechnology.



SEVERAL MEMBERS OF THE ORGANISING COMMITTEE AND SUPPORTERS AFTER THE PRESS CONFERENCE: MARIE-MONIQUE ROBIN, VALÉRIE CABANES, CORINNE LEPAGE, HANS RUDOLF HERREN, VANDANA SHIVA, ANDRÉ LEU, RENATE KÜNST, RONNIE CUMMINS AND NNNIMMO BASSEY.

Other members:

Françoise Boulègue (F) Film Editor “M2R Films”

Tjerk Dalhuisen (NL), Action for Solidarity Environment Equality and Diversity

Luigi D’Andrea (CH), Secretary of the NGO “Stop OGM”

Esther Gerber (CH), biologist, European Civic Forum (EBF)

Benny Haerlin (D), former member of the European Parliament, coordinator of the “Save Our Seeds” campaign

Hannes Lämmler (CH, F), agronomist, European Civic Forum (EBF)

René Lehnherr (CH, NL), IT engineer, European Civic Forum (EBF)

Gilles Lemaire (F), member of the “Environment and Society” committee, ATTAC



Michel Pimbert (UK), Director of the “Center for Agroecology, Water and Resilience”, Coventry University

Bessie Schadee (NL), president of “Network Vital Agriculture and Nutrition” and member of the executive board of “Gezonde Gronden” [‘Healthy Soils’]

Mindi Schneider (NL), Researcher at the “International Institute of Social Studies”, Erasmus University, The Netherlands

Doro Schreier (D), Founder of the NGO “Netzfrauen”, Germany.

Ruchi Shroff (I), Coordinator of “Navdanya”

François Veillerette (F), spokesperson for the NGO “Générations Futures” and president of the PAN Europe (“Pesticide Action Network Europe”)



Three reasons

By Olivier de Schutter, professor at the University of Leuven in Belgium, UN Special Rapporteur on the Right to Food (2008 and 2014).

Copy of a video message in support of the tribunal, translated from English.

Firstly: There are, of course, individual victims and communities of victims, who have taken the Monsanto corporation to court for the effects of its activities - and have done so in various parts of the world each with different legal systems. In reality, however, many victims do not have any access to justice. They have to overcome financial hurdles and have difficulties collecting evidence. On occasions, they have been silenced or bribed by Monsanto so that they do not take legal action against the corporation. The International Monsanto Tribunal intends to offer these victims a forum in which they can present their concerns and be listened to. And it is, in fact, important for many people that there is this forum so that they will finally be heard and so that they can provide an account of what they have been through.

Secondly: The tribunal is intended to promote international law. It is important to recognise that we have good standards for international human rights legislation, but it is not always clear to courts around the world how these legal standards ought to be applied to corporations and, in particular, to Monsanto. That is why the Monsanto Tribunal is to consist of reputable legal experts, who may help to extend international law and further develop jurisprudence. On this basis then local courts ought to be able to work more efficiently.

Thirdly: We are now at a point at which very important decisions need to be made, which will dictate what the future direction of agricultural production is to be. Do we want to be heading for even larger single-crop farms, which are dependent on fossil-fuel energy, pesticides and genetically modified plants? Or should we focus on a diversified agriculture, which respects ecosystems and so is much more sustainable and can also be highly productive insofar as this form of management works with nature rather than against it?

And in order to raise public awareness of the challenge that we are confronted with and of the implications of our decision, we need such a tribunal to which we can refer the major concerns, which are caused by industrial agriculture - symbolised by Monsanto.

“India has a large population and in order to feed our country, we need seed. Corporations such as Monsanto, Dupont Pioneer, Syngenta, etc. want to control this and establish a new colonial rule using seeds.”

Krishan Bir Chaudary, farmers' leader, India



MILLIONS OF TONNES OF PCB WASTE FREED INTO THE ATMOSPHERE IN ALABAMA



CHOCOLOCCO, WEST VIRGINIA, ALABAMA. 2012

Mathieu Asselin

A process is getting started

THE MONSANTO CORPORATION

For a growing number of citizens throughout the world, the American corporation Monsanto is the symbol of the horror of industrial agriculture – for a type of production, which pollutes the environment through its massive use of chemicals, accelerates the depletion of biodiversity and massively contributes to global warming. Since the start of the 20th century Monsanto has been marketing numerous highly toxic products, which cause illness or the death of thousands of people and permanently damages the environment.

These include:

- PCB (polychlorinated biphenyl), one of the twelve “persistent organic pollutants” (POP) listed in the Stockholm Convention of 22 May 2001¹, which has a detrimental effect on human and animal fertility;
- 2,4,5 T-acid (2,4,5-trichlorophenoxyacetic acid), a dioxin-based component of the defoliant, agent orange, which was used by the US army during the Vietnam War and today continues to be the cause of birth defects and cancer;
- Lasso (Alachlor), a herbicide, which is now prohibited in Europe;
- Roundup, the most widely used weed killer and the focus of the biggest health and environmental scandal of modern history. This highly toxic herbicide with its main constituent, glyphosate, enjoys large-scale use combined with genetically modified seed, so-called “Roundup-ready” seed – also manufactured by Monsanto, of course – primarily to grow soybeans, maize and rapeseed for animal feed and biofuels.

Monsanto promotes a model of industrial agriculture, which worldwide causes at least one third of anthropogenic greenhouse gas emissions. Industrial agriculture is to a large extent responsible for the decline in soil fertility and groundwater reserves, for a depletion in biodiversity and species extinction, as well as for the displacement worldwide of millions of small-scale farmers. With its patenting of living beings and seed, this model threatens the food sovereignty.

Critics accuse the corporation of conducting a systematic cover-up strategy in order to refute the damage that it causes to humans and the environment and to support its devastating practices.

¹ The Stockholm Convention on persistent organic pollutants, or the POP Convention, is an accord on an internationally binding ban and restriction measures for certain persistent organic pollutants (POP).

These include: Lobbying legislative bodies and governments, lies and corruption, financing deceitful scientific studies, putting independent scientists and politicians of integrity under pressure, manipulating the media.

A CIVIL SOCIETY INITIATIVE

For all of these reasons people from different countries have set about launching a civil society initiative to bring Monsanto before an international court. The “International Monsanto Tribunal” foundation² was born and took up its work at the start of 2015. Yet to date adequate legislation and a court does not exist, which would comprehensively be able to hold such a corporation to account. That is why the organising committee decided in favour of a court of opinion, which follows in the footsteps of a long tradition of courts of opinion, which were first started in 1966 under the guiding influence of the philosophers Bertrand Russell and Jean-Paul Sartre. Unlike these examples however, the planned Monsanto Tribunal was to adhere exclusively to legal principles, which are based on the international standards of human rights and on international humanitarian law. For this purpose, highly regarded judges and legal experts from various continents were invited to take part, and who would subsequently be acting independently of the organisers. To conclude the process, legal opinion would be published reflecting the opinion of the court.

THE HEARINGS

After two and a half years of preparation, the time had come: The official start of the Monsanto Tribunal was on Friday, 14th October 2016 in The Hague, The Netherlands. The tribunal’s hearings took place on the 15th and 16th October at the Institute for Social Studies (ISS). Five internationally recognised judges heard 29 witnesses and experts from five continents. The days in The Hague were unforgettable. Over 750 people from 30 countries took part in the public hearings and in the People’s Assembly.

The objective of the tribunal was to publish legal opinion on the harm to the environment and to health caused by the multinational corporation, Monsanto.

THE MOTIVATION

For a long time, Monsanto has found ways of hushing up the damage caused by its products to man and the environment and of continuing to pursue its destructive practices. The tribunal project is based on the premise that civil proceedings against the American corporations currently represent the only means of claiming compensation for victims. These proceedings involve numerous hurdles for the victims, who are

² Charitable foundation based on Dutch law with its registered office in Amsterdam.

hesitant to invest time and money into a process with an uncertain outcome. If legal action is taken against a company such as Monsanto, it normally endeavours to reach an amicable settlement to the dispute in order to prevent case law at its expense.

To date there has been no legal instrument which supports a criminal prosecution of companies such as Monsanto and its directors, holding them liable for crimes against human rights and against the integrity of the environment. Every year Monsanto puts aside huge sums of money to fight legal actions brought by people, who have fallen victim to the products of the corporation. This does not, however, move the company to change its practices. These methods will continue to persist while it remains profitable for the shareholders, even if entire populations are exposed to risks by the corporation, and it is only now and again that a handful of victims, who initiate proceedings, need to be compensated. The history of Monsanto is indeed a prime example of the immunity from prosecution of transnational companies and their directors.

The tribunal is not therefore just aimed at Monsanto. The whole of the agro-industrial system comes under the spotlight of this tribunal alongside this company. Beyond Monsanto it's a question of creating a precedent, using this process to be able to hold to account all multinational corporations and companies who cause mechanisms intended damage to health and the environment through their entrepreneurial conduct.

GENERAL OBJECTIVE

Based upon the practices of an international court of justice, a tribunal consisting of competent judges is to pass a judgement, even if only a symbolic one, against the company Monsanto and is to promote the implementation of international mechanisms, which are intended to allow victims of multinational corporations to initiate legal action against these companies.

SPECIFIC OBJECTIVES

- Evaluation of the facts alleged against the company Monsanto and an assessment – in view of valid international legislation – of the damage caused by the major corporation.
- Evaluation of the actions of Monsanto relating to the offence of ecocide, the inclusion of which in international criminal law is requested by citizens' movements.
- Researching the possibility of a reform of the Rome Statute establishing the International Criminal Court to include the offence of ecocide and to facilitate the criminal prosecution of natural and legal persons suspected of this crime.

THE TRIBUNAL'S MODUS OPERANDI

To evaluate the behaviour of the company Monsanto, the tribunal has relied upon the guiding principles of the United Nations on business and human rights, which were adopted by the UN Human Rights Council in June 2011, and upon the Rome Statute establishing the International Criminal Court prosecuting alleged perpetrators of crimes of genocide, crimes against humanity, war crimes and crimes of aggression.



The responsibilities of companies with regard to human rights are legally set out in the guiding principles of the United Nations on business and human rights. In accordance with these guiding principles, companies are obliged to observe all human rights, including the right to life, the right to health and the right to a healthy environment. They have defined the expectations of society towards companies and created a legal basis, which complainants can rely on in order to make a claim against Monsanto in respect of redress for damages incurred. Furthermore, the tribunal investigated whether certain practices of Monsanto can be treated as a criminal offence either in accordance with valid international criminal law or on the basis of an act of ecocide, recognition of which is continuously advancing.

In the run-up to the hearing, working groups were working on an investigation into the effects of the actions of Monsanto with regard to the six reference principles set out below:

- **The right to a healthy environment**
- **The right to health**
- **The right to food**
- **The right to freedom of science and freedom of expression**
- **Aiding and abetting war crimes**
- **The crime of ecocide**



The judges

In alphabetical order

Dior Fall Sow (Senegal) is a public prosecutor (the first woman in her country), adviser to the International Criminal Court and former advocate-general of the International Criminal Court for Rwanda. She is the author of many scientific studies relating to legal issues.



Jorge Fernández Souza (Mexico)

is the current judge at the court for administrative proceedings in the federal district of Mexico City and guarantor at the “Permanent People’s Tribunal” in Mexico. He was adviser at the negotiations between the Zapatista Army (EZLN) and the government, and was a judge in the Russel Tribunal against repression in Latin America.

Eleonora Lamm (Argentina) is director for human rights at the highest court of Mendoza, a member of the “Observatorium for Bioethics and Law” at the University of Barcelona and a member of the “Centre of Bioethics” at the University of Buenos Aires.



Steven Shrybman (Canada) is a partner

in the law firm Goldblatt Partners LLP and works in the areas of international trade and public interests. His work in court proceedings covers a wide array of issues of both national and international law (the environment, trade, human rights, etc.).

Françoise Tulkens (Belgium) was professor at the University of Leuven, she has lectured in areas of general criminal law, comparative and European law, juvenile criminal law and protection systems for human rights. She was a judge at the European Court of Justice for Human Rights (1998-2012) and is the presiding judge of the International Monsanto Tribunal.



The court clerks

Dr. Marcos A. Orellana (Chile/ USA) is Senior attorney and director of the Program for Human Rights and the Environment at the Centre for International Environmental Law (CIEL). He was a member at the Lauterpacht Research Centre for International Law at the University of Cambridge, UK, and guest scientist at the Institute for Environmental Law in Washington D.C.

Chancia Plaine (France) is a lawyer specialising in environmental law. She studied at the University of Paris Descartes, Laval and Paris-Sud and is a member of “End Ecocide on Earth”.

The lawyers

William Bourdon (France) pleaded the case that freedom is indispensable for scientific research. He is the founder and president of the “Sherpa” association in Paris, which protects and defends victims of economic crimes. As a lawyer, he works on cases which relate to business, media, criminal law and human rights.

Koffi Dogbevi (Togo, USA) presented the plea for “ecocide”. He studied environmental law at various universities in Africa and Europe and is a member of “End Ecocide on Earth”.

Dr. Gwynn MacCarrick (Australia), amongst other things, worked as a magistrate in the prosecuting authority of the International Criminal Court for the former Yugoslavia and as defence counsel in the district court of Dili (Osttimor) as part of the “Special Panel for Serious Crimes” (SPSC) of the United Nations. She composed the plea on “ecocide”.

Dr. Jackson Nyamuya Maogoto (Kenya, GB) raised the question of whether Monsanto was involved in war crimes, as set out in article 8, paragraph 2 of the statute for the International Criminal Court. He researches and lectures at universities in various countries in international public law, international criminal law, case-law and human rights, amongst other things.

“The introduction of the GMO aubergine Bt Brinjal in Bangladesh is a story of manipulation, deception and lies. Bt Brinjal is the first genetically modified crop in South Asia and an example of the partnership model between public and private sectors and of the North-South cooperation.”

Farida Akther, political analyst, Bangladesh

“In the end Monsanto had to pay 640 dollars to the court and 20 dollars for the costs of decontamination. This was a major victory! It wasn't about the money, but about the fact that the company can now be held to account.”

Percy Schmeiser, farmer, Canada



FROM LEFT TO RIGHT: JUAN IGNACIO PEREYRA, DIEGO FERNANDEZ, MARIE-MONIQUE ROBIN, SABINE GRATALOUP, FELICIANO UCAN POOT, MARIA LIZ ROBLEDO, KRISHAN BIR CHAUDHARY, DAMIAN VERZENASSI, ANGELICA EL CANCHE, MARCELO FIRPO.

Statements by witnesses

“During my judicial proceedings against Monsanto I became aware of the fact that the herbicide Lasso was prohibited and had been withdrawn from the market in certain countries, such as in Canada since 1985 or in the Netherlands and Belgium dating back to 1991.”

Paul François, farmer, France

“Genetically modified pollen in our honey poses a threat to our exports to the European market, which is our main customer. Because European honey consumers want GMO-free products, as stated in our contracts.”

Angélica El Canché and Feliciano Ucán Poot, beekeepers, Mexico



Toxic traces in Argentina

DIEGO FERNANDEZ BANTLE, FARMER

Diego Fernandez Bantle has been a farmer on his family farm since 1984 in the province of Santa Fe in Argentina. At the Monsanto Tribunal he gave a first-hand account of the large-scale changes to agriculture in his country. Crop rotations and pasture farming were previously predominant in his region. But the cultivation of soybeans from 1973 changed everything: “Profits which could be made with soybeans were more and more lucrative; the cultivation of soybeans was increasingly replacing other agricultural activities and many farmers stopped crop rotations. This was the turning point towards wide-scale degradation of the soil. Right from the outset Roundup was used in soybean crops to combat “problem plants”: at the start 1 litre of Roundup per hectare; from 1989 with the introduction of methods of minimum soil preparation and no-till farming, significantly larger quantities were already being used. From 1996 quantities crept up further with the planting of genetically modified soybeans (Roundup-ready soybeans) and today 10 to 12 litres of Roundup are sprayed per hectare. At the same time, many weeds developed resistance which means that now other herbicides also have to be mixed in to control these plants. Diego Fernandez Bantle also observed changes in soil quality: „The soil has changed: it is more compact, no longer has the same loose structure and colour as before. Its fertility has diminished, which means that I have to use more fertilizer to achieve the same yield.” Fernandez Bantle has been in a period of transition for ten years and today farms a third of his land organically. But the change-over is very difficult as agricultural advisers hardly ever support farmers on this issue. Indeed, not only does soya present problems but also genetically modified (GMO) maize. Normal seed for maize can hardly be obtained and the cultivated organic maize is being contaminated by neighbouring GMO varieties: “On the one hand, Monsanto is demanding more and more money for the soybean seed (license and/or re-seeding fees, editor’s note), which I bought from this corporation six years ago – and, on the other hand, the company does not take responsibility for the contamination of my maize by the GMO varieties, which all farmers are now planting here because hardly any other seed is available.”

DAMIÁN VERZEÑASSI, DOCTOR FOR PUBLIC HEALTH

Damián Verzeñassi is a medical practitioner and lectures at the National Universities of Rosario and Chaco Austral. Since 2010 he has been undertaking research together with medical students, which he is using to create epidemiological profiles¹ of 27 Argentinian cities in soybean-producing regions. These studies include over 150,000 people. “Based upon these profiles we have found that certain illnesses occur more

¹ Characterisation based on the distribution of illnesses in a population and the associated variables.

frequently in these cities (...) than at national level”, explained Dr. Verzeñassi. Thus, for example, disorders of the endocrine system and thyroid conditions were in second place in the list of chronic illnesses in these cities, more prevalent than insulin-dependent diabetes, which assumes second place of chronic conditions at national level. Allergic respiratory conditions (asthma, chronic obstructive bronchitis COPD) and chronic neurological conditions (alzheimer's, Parkinson's disease) were at a higher level in the areas being researched. While the rate of incidence was on average 217 cases of cancer per 100,000 inhabitants throughout the whole of Argentina in 2012, in the cities mentioned it is 1.83 times higher (397.4 per 100,000 inhabitants). “It is with great concern that we have to conclude that increasingly pregnant women were not able to carry to term or had miscarriages, which was in part a recurrent feature.” Congenital abnormalities in children also increased in these places.

“According to official statistics cultivated land for industrial agriculture increased in Argentina by 50 percent in 1996 since the introduction of transgenic, pesticide-dependent plants, and the use of pesticides increased by 848 percent.”

Damián Verzeñassi

LIZ MARIA ROBLEDO, MOTHER OF A DISABLED CHILD

One of the affected mothers, Liz Maria Robledo, travelled to the The Hague. Mrs Robledo lives in Baigorrita, a town with about 1,900 residents. Agriculture is the most important source of income in the region. Her daughter, Martina, was born on 23 April 2013 with “oesophageal atresia with tracheoesophageal fistula”. This involves an abnormality in which there is a direct connection between the wind pipes and digestive tubes. During the first hours of her life Martina had to undergo a four-hour operation. She still needs regular medical assistance today due to recurrent respiratory tract conditions and, due to her health problems, is not able to take part in normal schooling. Neither Liz Maria Robledo nor any other woman whose child was born in the same town with the same abnormality are carriers of a gene responsible for such abnormalities. The causes must therefore lie elsewhere.



"WE WERE LIED TO!"

The population was not told about the potential consequences of the pesticides and herbicides. In response to the question of farmer Diego Fernandez Bantle about potential effects of glyphosate herbicides on man and the environment, an agricultural adviser answered that Roundup becomes inactive after use and would not cause any harm. "Today I know that those were lies and deception", the farmer bitterly states. Liz Maria Robledo was also believed that these pesticides were harmless, "because the advertising agencies and media said so." On this Dr. Verzeñassi asserts: "We were lied to because nobody told us that already since the 1970s, since 1979 to be precise, there are scientific studies, which prove the correlation between contact with these chemicals – particularly with glyphosate and its additives – and DNA mutations and the formation of cancerous cells."

"The paediatrician asked me whether during my pregnancy I may have had any contact with any such toxic substances or with herbicides. I immediately remembered the pesticide container next to the dividing wall between my house and the adjacent plot, at the barn next door, where pesticides were stored and of the daily coming and going of spray machines to the adjacent plot." Liz Maria Robledo

DIEGO FERNANDEZ, ARGENTINA, MEMO UNDER "MULTIMEDIA" AT WWW.MONSANTO-TRIBUNAL.ORG

DAMIAN VERZEÑASSI, ARGENTINA, MEMO UNDER "MULTIMEDIA" AT WWW.MONSANTO-TRIBUNAL.ORG

MARIA LIZ ROBLEDO, ARGENTINA, MEMO UNDER "MULTIMEDIA" AT WWW.MONSANTO-TRIBUNAL.ORG

JUAN IGNACIO PEREYRA, ARGENTINA, MEMO UNDER "MULTIMEDIA" AT WWW.MONSANTO-TRIBUNAL.ORG

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GLYPHOSATE-BASED HERBICIDES PRODUCE TERATOGENIC EFFECTS ON VERTEBRATES BY IMPAIRING RETINOIC ACID SIGNALING. CHEM. RES. TOXICOL., 23 (10), 1586-1595



“340 million litres of agrochemicals are applied to Argentinian fields every year,” explains solicitor Juan Ignacio Pereyra, who was representing pesticide victims from Argentina at the Monsanto Tribunal. 200 million litres of glyphosate-based herbicides were sprayed in Argentina in 2009.

Deadly rice paddies

KOLON ARACHCHIGE SAMAN PRASANNA,
FARMER, SRI LANKA

Sri Lanka has been cultivating rice for 23 centuries. The 1973-born Kolon Arachchige Saman Prasanna himself originates from a family of rice farmers in the region of Pada-vi-Sri Pura in the East of the country where he is a farmer and president of a local association of farmers. Since the mid-1990s the first cases of chronic kidney disease (CKD) were registered in this region, which can result in death in countries with low incomes and limited access to the healthcare system. “At the outset it was said that these kidney diseases were of unknown origin. In my community, however, we were convinced in our opinion that this condition is linked with the use of agrochemicals,” according to Mr Saman Prasanna in his statement at the Monsanto Tribunal. In fact, agrochemicals were not used extensively until the start of 1980 in Sri Lanka. With the political changes after 1977 an economic policy was in force, which paved the way for the import and use of agrochemicals on a large scale – even against the will of the local population. In the rice paddies herbicides were used in large quantities, first of all the product “Gramoxone”, which was however soon superseded by Roundup. A few years later the first cases of chronic kidney disease occurred and only twenty years later this condition had become the biggest problem in public health in the dry, fertile zones of Sri Lanka. In a third of the country the disease spread to epidemic levels. It is estimated that over 60,000 people were suffering from it and more than 20,000 had already died of it.





“At the outset farmers did in fact accept the chemical fertilizers and pesticides, which were issued to them free of charge, but didn’t use them because they were convinced that these substances were harmful to the environment. Eventually the agricultural advisers caught wind of this and the farmers were penalised. It was in this way that agrochemicals were forced on to our community.”

Kolon A. Saman Prasanna

CHANNA JAYASUMANA, EXPERT ON THE ENVIRONMENT AND HEALTH

In 2008 Channa Jayasumana started a toxicology study as part of his doctoral thesis at Rajarata University to trace the causes of this epidemic. He also visited the farming community of Mr. Saman Prasanna. “Our epidemiological studies underpinned the hypothesis that the chronic kidney conditions of farmers in the dry zones of Sri Lanka are linked with the spraying of glyphosate in rice paddies and the drinking of well water.” Water analyses in the affected regions showed that well water was polluted with glyphosate to a much greater extent than surface water. Urine samples from sick farmers showed up heavy metals and pesticide residues; the most frequent were arsenic, cadmium and glyphosate. A study completed by the World Health Organisation (WHO) in Sri Lanka produced comparable results.

A TRAILBLAZING BAN

On the basis of these studies the Sri Lankan government decreed a ban in December 2014 on all herbicides, which contain glyphosate. This ban first only applied to the most severely affected regions. But under pressure from civil society, from farmers, Buddhist monks, doctors and scientists, the ban was extended in May 2015 to the whole country. Farmer Saman Prasanna added: “I am extremely pleased about this decision as they (herbicides containing glyphosate, editor’s note) are responsible for the deaths of our farmers. At the same time these chemicals are turning us into murderers (to living beings and the environment, author’s note) and are leading us away from Buddhist teachings.”

KOLON ARACHCHIGE SAMAN PRASANNA, SRI LANKA, MEMO UNDER “MULTIMEDIA” AT WWW.MONSANTO-TRIBUNAL.ORG
CHANNA JAYASUMANA, SRI LANKA, MEMO UNDER “MULTIMEDIA” AT WWW.MONSANTO-TRIBUNAL.ORG

The misery of animals

OUSMANE TIENDREBEOGO, FARMER, BURKINA FASO

The witness gave his account before the tribunal that Emmanuel Tétébafo, a farmer from the village of Kongolikan in Burkina Faso, has been rearing goats and sheep for more than twenty years. His animals had also always eaten the leaves from the cotton plants grown on the farm. “But when he had grown genetically modified Bt cotton² for the first time, his animals became ill. No veterinarian was able to recognise or identify this illness.” (O. Tiendrebeogo).

The cultivation of Bt cotton, initially introduced in Burkina Faso in 2003, was actively promoted by the government, based on the argument, amongst others, of thus

² Bt cotton: Genes from the soil-dwelling bacterium *Bacillus thuringiensis* were introduced into the genome of the cotton plant. These Bt plants produce an insect toxin, which is intended to kill cotton bollworm. The consequences of this intervention are not, however, limited to the pest, but ultimately impact on entire ecosystems: Source: www.schule-und-gentechnik.de/lehrer/fallbeispiele/baumwolle/

being able to reduce levels of pesticides. The aforementioned Emmanuel Tétébafo normally sprayed his conventional cotton six times – but never before had comparable problems been experienced by his animals. Very soon emissaries of the Bt cotton manufacturer, who had been called in for assistance, appeared on the farmer’s farm, accompanied by two policemen and a goat. During their stay they tied the goat in the field of cotton. Then they took it away with them, escorted by the policemen, and explained they would investigate whether the goat was to subsequently die. In addition, they plucked a few cotton leaves, allegedly for analysis in the Monsanto laboratory to determine whether the death of the animals was caused by the Bt cotton. If there was any correlation, he would be compensated, they notified the farmer. A few days later they notified him that the death of his animals had absolutely no connection with the Bt cotton.

“Then they (the emissaries, editor’s note) added that they had asked Monsanto for forgiveness and they were thankful that the company had agreed to pay the costs of the laboratory analyses which he, as a poor farmer, could never have afforded. This action stifled all possible claims in this matter indefinitely.” (O. Tiendrebeogo)



“The directive of the European Commission clearly states that genetically modified organisms are hazardous products. (...) For this reason, the same commission recommends strict safety rules in the use of GMOs. (...) Is the corporation aware of the hazardous nature of its products? If so, why does it continue to use them?”

Koffi Dogbevi

KRISHAN BIR CHAUDARY, FARMERS' LEADER, INDIA

The witness explained at the Monsanto Tribunal that notifications are also coming from India of cows and sheep which have died after consuming Bt cotton plants in their feed. “India’s Genetic Engineering Approval Committee (GEAC)³ admitted that no toxicity studies had been undertaken involving Bt cotton leaves. Although the GEAC has now requested the department for biotechnology to undertake such analyses, the lax approach of the institution regarding any investigation into the level of Bt toxin proving fatal for livestock is more than questionable.”

IB BORUP PEDERSEN, PIG FARMER, DENMARK

The witness was able to provide further indications of the negative effects of GMO feed on animals. He provided a report to the tribunal of serious problems amongst his pigs while his animals were being fed with GMO soybeans. Then he stated: “My first measure was to change from GMO to non-GMO soybeans for feed. The difference was striking. The diarrhoea, stomach ulcers and abdominal distension amongst the animals disappeared and their consumption of drugs was reduced to a third.”



ART DUNHAM, VETERINARIAN, USA

Monsanto’s most widely used pesticide, the herbicide Roundup, also leads to a wide range of problems in livestock as the witness to the tribunal operating in Iowa since 1974 explained in detail. His objection to the excessive use and misuse of glyphosate-based herbicides started a few years after the introduction of Round-Up-Ready (RR) soybeans and RR maize. “Several of our customers had never made the change to RR technology, many however had. The comparison between operations following the approval of RR soya in 1996 and of Round-Up-Ready maize in 1998 – and also improvements to operations, which have since reduced their use of glyphosate – have prompted me to testify here.”

³ India’s Genetic Engineering Approval Committee (GEAC), under the Ministry of Environment and Forestry

From its long list of symptoms of illnesses correlating with Roundup, manganese⁴ and cobalt deficiency⁵ are particularly worthy of mention. Roundup acts as a chelator, that is it is able to bind to these metal ions and thus deprives the body of access to these important trace elements. Dunham also observed an increase in different pathogenic conditions: “My colleague Don Cook and I observed more cases of *Mycoplasma bovis*⁶ in suckling calves in pasture when the mothers and calves were being fed with RR maize silage or if they were being given another special feed mix (creep feed) containing RR products.”

In addition to three other illness profiles linked to the working mechanisms of Roundup, he also observed several cases of botulism⁷: “The interaction of two factors are required for this condition: Firstly, cereal silage or hay silage have to be very wet, secondly glyphosate acting as an antibiotic must be present in the feed in the form of RR cereal silage, earlage⁸ or cereal grains. In such a type of feed, the glyphosate activates bacteria such as enterococcus faecium and *E. faecalis*, which keep clostridium in check and thus prevent neurotoxins from being produced.”

MONIKA KRÜGER, VETERINARIAN, GERMANY

The witness, who has been researching the influence of glyphosate-based herbicides on the stomach-intestinal microflora in livestock, reported to the Monsanto Tribunal: “It is highly evident that the increase in cases of chronic botulism in dairy cows in Germany started from the mid-1990s, at the same time as the introduction of feed containing GMO soybeans treated with glyphosate.”

MEMO NO. 13: OUSMANE TIENDREBEOGO, FARMER, BURKINA FASO, THE HAGUE, OCTOBER 15TH-16TH, 2016

MEMO NO. 14: KRISHAN BIR CHAUDHARY, FARMER LEADER, INDIA, THE HAGUE, OCTOBER 15TH-16TH, 2016

MEMO NO. 8: ART DUNHAM, VETERINARY, LA HAYE, OCTOBER 15TH-16TH, 2016

MEMO NO. 9: MONIKA KRUGER, VETERINARIAN, GERMANY, THE HAGUE, OCTOBER 15TH-16TH, 20

⁴ Manganese (Mn+2) is a trace element, which is important mainly in the proper functioning of various proteins in the human and animal body.

⁵ Cobalt (Co+2) is a trace element, which is needed in the human and animal body as a constituent component of vitamin B12 for the production of genetic material for the proper functioning of nerves and for the activation of folic acid.

⁶ *Mycoplasma bovis* is the most important pathogenic mycoplasma species in cattle. In calves the pathogen causes severe pneumonia.

⁷ Botulism is the name for the combination of symptoms following intoxication with botulinum toxin, a toxic metabolite of the bacterium *clostridium botulinum*. Symptoms include: Digestive disorders, emaciation and immobilisation until death, claw and joint disorders, coordination disorders, paralysis, clouding of consciousness, swallowing disorders.

⁸ Earlage: ensiled maize kernels, cobs, husks and sometimes maize stalks

Manipulation of democratic processes

MIGUEL LOVERA, AGRONOMIST, PARAGUAY

“The SENAVE Institute⁹ is an independent facility committed to guaranteeing the quality and safety of food and seed production in Paraguay”, explained the agronomist Miguel Lovera, who presided over this institute as president from 2010 to 2012. “Since the start of my appointment to the SENAVE, Monsanto has tried to get rid of me through the UGP¹⁰. The UGP referred the demand for my dismissal directly to the president of the Republic. When its attempt failed, they launched a smear campaign against me and published numerous articles against me and my colleagues.” (M. Lovera). It all began with the fact that the SENAVE was opposed to the continued licensing of genetically modified plant varieties (excluding soybeans), “as the introduction of GMO maize and cotton requested by the agricultural giants posed a serious risk to national agriculture.” (M. Lovera). Instigated by the UGP, Monsanto’s GMO maize varieties were subsequently smuggled into our country and illegally planted. The SENAVE destroyed these plants as provided for by law in Paraguay. “This incident undoubtedly triggered a declaration of war on the part of Monsanto to the government of Paraguay”, noted Miguel Lovera before the tribunal. Besides, Lovera’s team had questioned the so-called “Monsanto tax”: In Paraguay all exports of soybeans are taxed upon being exported; the money collected goes directly to Monsanto. The justification for this process is that most farmers grow genetically modified soybeans

“The illegal cultivation of genetically modified soybeans in Mexico would not be possible if Monsanto had not distributed genetically modified seed – and did so without the consent of the state authorities.”

Maria Colín, lawyer, Mexico

and would re-use seed gained as a result; this charge is therefore compensation for use of Monsanto’s technology (“use of technology”). But not only are farmers who grow GMO soybeans, affected by this, but evidently all soybean farmers. “This measure resulted in the cultivation and export of organic or conventional soybeans soon being rendered infeasible due to the high costs. Unfortunately, we were not successful in convincing a majority in the ministerial cabinet and that’s why the motions to abolish this preposterous tax remain unsuccessful.” (M. Lovera)

⁹ SENAVE: Servicio Nacional de Calidad y Sanidad Vegetal y de Semillas

¹⁰ UGP (Unión de Gremios de la Producción): Lobby group of individuals in relation to export crops, including GMO soya, rice, sugar cane and sunflowers.

MONSANTO IS REWARDED

Following the parliamentary coup on 22 June 2012 against the incumbent president Fernando Lugo, the de-facto president Frederico Franco issued a decree only two months later, on 21 August, which approved the cultivation of two GMO cotton varieties. The National Biosafety Commission for Agriculture and Forestry (CONBIO), which should have given its statutory approval, was circumvented. The government's decision was therefore completely illegal. "Then in the same month of August the Franco government also approved the commercial cultivation of VT, Triple Pro, a GMO maize variety, also from Monsanto." (M. Lovera). As a consequence, further GMO varieties of maize as well as genetically modified wheat were approved. Any controls over agrochemical companies such as Monsanto were lost with the change of government.

"It is evident that Monsanto is now granted approval for the varieties, which the corporation could not have previously forced upon the Lugo government. It is fully justified to interpret this concession (of the new government, editor's note) as a reward for the support and participation of Monsanto in the coup of June 2012." (M. Lovera).

MARCELO FIRPO, ENVIRONMENTAL AND HEALTH RESEARCHER, BRAZIL

Marcelo Firpo of the health initiative ABRASCO¹¹, an independent scientific organisation in Brazil, points out in his witness statement that in his country the expansion of this illegal, non-sustainable and brutal farming model is linked to an undemocratic political regime. Monsanto, as well as other multinational corporations such as Syngenta, Bayer, BASF, Dow and DuPont, enjoyed the full support of the military dictatorship in implementing the "modernisation" of agriculture from 1965. Subsequent governments also worked fully within the terms of the agrochemical giants: "Monsanto played an important role in the adoption of the federal law in 2005, which governs the use of GMO in Brazil, known as the biosecurity law – also referred to by many as the Monsanto Law." (M. Firpo). Under President Lula da Silva the floodgates opened for cultivating GMO plants legally in Brazil – although he had promised in his election campaign to keep his country GMO-free. Moreover, agrochemical companies also received subsidies in Brazil: "Pesticides count as being an agricultural consumable, like tractors, and are therefore tax-free." (M. Firpo).

¹¹ ABRASCO: Associação Brasileira de Saúde Coletiva



“Future historians will look back on our time and write how willing we were to sacrifice our children and to encumber future generations with the enormous experiment of so-called ‘genetic engineering.’”

Don Huber, Biologist, USA



SHIV CHOPRA, SCIENTIST, CANADA

The presumption suggests that in many instances Monsanto exercised influence over state decision-makers in order to assert its interests and in order to get rid of inconvenient officials. Shiv Chopra was appointed as scientist at the Bureau of Veterinary Science (BVD) for the health authority “Health Canada”: “My job was to receive data, experimental data, which was collected by the companies, on behalf of the Canadian Health Minister and to give my assessment as to whether or not the products should be licensed.” Thus, in 1988 Mr Chopra, together with two colleagues (Margaret Haydon and Gérard Lambert), engaged in the task of assessing the safety of the cattle growth hormone “recombinant Bovine Growth Hormone” (rBGH). The transgenic hormone is injected into cows to increase milk production. Alongside other companies, Monsanto also markets this hormone under the brand name “Posilac”. Researchers came to the conclusion that acceptability to human health had not been satisfactorily proven in relation to this substance. In 1998 the arguments put forward by scientists during the hearing before the “Standing Committee on Agriculture and Forestry”¹², a senate committee, were finally taken seriously. Thereupon the committee requested that the Monsanto product should not be licensed in Canada. However, in June 2004 the three researchers were dismissed under the pretext of “refusal to work”. The actual reason: They had brought to light the attempted bribery amounting to millions and the attempts to put pressure on senior officials in their authority to fast-track the licensing of Monsanto products without sufficient verification. Shiv Chopra documented his experience in the book “Corrupt to the core”¹³. His assessment in conclusion: “The Monsanto corporation could not do what it did without the approval of governments – the approval of your governments!”

MIGUEL LOVERA, PARAGUAY, MEMO UNDER “MULTIMEDIA” AT WWW.MONSANTO-TRIBUNAL.ORG

SHIV CHOPRA, CANADA, VIDEO UNDER “MULTIMEDIA” AT WWW.MONSANTO-TRIBUNAL.ORG

ROBIN, M.-M. (2009). THE WORLD ACCORDING TO MONSANTO DEUTSCHE VERLAGS-ANSTALT, MUNICH.

MARCELO FIRPO, BRAZIL, MEMO UNDER “MULTIMEDIA” AT WWW.MONSANTO-TRIBUNAL.ORG

¹² Standing Committee for Agriculture and Forestry

¹³ Chopra, S. (2009). *Corrupt to the Core: Memoirs of a Health Canada Whistleblower*. KOS Publications

Obstruction of science

EXEMPLIFIED BY GILLES-ERIC SÉRALINI, PROFESSOR IN MOLECULAR BIOLOGY,
UNIVERSITY OF CAEN

Summary of the statements before the tribunal of
Claire Robinson (GB) academic research and GM watch
Nicolas Defarge (F) academic research
William Bourdon (F) solicitor

In 2012 the scientific journal “Food and chemical toxicology” published a long-term toxicology study, which had come about under the direction of Gilles-Eric Séralini. Séralini is a professor in Molecular Biology at the University of Caen in France and a founding member of CRIIGEN¹⁴. The study showed that two Monsanto products – Roundup and a Roundup-tolerant maize – had toxic effects on rats which had been fed with the GMO maize for over two years and whose drinking water had been treated with Roundup. The rats’ liver and kidneys were damaged, amongst other things. Only a few hours after the publication of the study, a massive PR campaign was set into motion the objective of which was to discredit the study of Professor Séralini and to exert pressure on the publisher of the journal to withdraw publication of the research. Claire Robinson from “GM watch” from Great Britain added the following at the Monsanto Tribunal: “The US-based Science Media Center (SMC) was at the forefront of the attacks. These institutions collected and disseminated review comments which denigrated the study with statements from ‘third-party’ experts. The SMC defends and promotes genetic engineering and is 70-percent financed by companies, including Monsanto and other genetic engineering companies.”

A BROAD SMEAR CAMPAIGN

The SMC statements were widely adopted in the media. In the “New York Times” a certain Bruce M. Chassey, emeritus professor for food science at the University of Illinois, commented on this. We now know, thanks to the subsequent research of journalists, that he had received a donation of 57,000 dollars for his promotional activities supporting genetically modified organisms (GMO) within less than two years. Chassey never disclosed his connections with Monsanto; at his own instigation, and of that of his university, the money was transferred via the “University of Illinois Foundation”, the activities of which are protected from public scrutiny. Together with his fellow countryman Henry I. Miller, former lobbyist for the tobacco industry and defender of GMO and pesticides, Bruce Chassey also published an article in the American science journal “FORBES”, the title of which described Séralini’s

¹⁴ Comité de Recherche et d’Information Indépendantes sur le Génie Génétique

study as a ‘fraud’. The article ended with an invitation to the publisher of “Food and Chemical Toxicology” to immediately withdraw the study “as the only possible act of integrity”. In addition, an internet petition was launched on behalf of the “scientific community”, which invited Séralini to disclose the raw data of his study.

“The subsequent research by GM watch leads one to assume that, as part of the smear campaign, a man by the name of Jay Byrne, the former head of Monsanto’s corporate communication, was pulling the strings,” Claire Robinson goes on to explain. Today, Byrne heads his own PR internet firm “V-fluence”, which – like Monsanto – is based in St. Louis.

“My law firm, Miller Firm, in Virginia, is representing approximately 1,000 American citizens, who were exposed to Roundup to a significant degree and who have been diagnosed with non-Hodgkin lymphoma.”

Timothy Litzenburg

STRONGER PRESSURE FROM MONSANTO

The PR campaign was successful: the publisher of “Food and Chemical Toxicology”, A. Wallace Hayes, withdrew the Séralini study after a year of sustained pressure by GMO lobbyists. The withdrawal took place shortly after the appointment of a former Monsanto employee, Richard E. Goodman, to the journal’s editorial board. Hundreds of scientists protested throughout the world against the withdrawal of the study and described it as an act of scientific censorship, which could not be justified either from a scientific or ethical perspective. The Séralini study was re-published in 2014 in another scientific journal, not without previously going through the “peer review process”¹⁵ and thus remains quotable. Nonetheless, the PR campaign did not remain without consequences for the researchers, as Nicolas Defarge, member of Gilles-Eric Séralini’s team, explained at the Monsanto tribunal: “We had to withstand a great deal of pressure as did the organisations which had financed the study. My employment contract was actually due to be renewed, but to date that has not happened. I am unemployed.”

¹⁵ Appraisal of a scientific study by other scientists not taking part in it; standard procedure prior to the publication of a study in scientific journals.

NEW FINDINGS, OLD CONSTRAINTS

Gilles-Eric Séralini and his team are not the only scientists who were pursued by GMO lobbyists. For example, Arpad Pusztai, scientist at the “Rowett Research Institute” in Scotland, was dismissed after he had published research findings which point to the adverse health effects of GMO potatoes in rats.

“Here (at the tribunal) detailed evidence has been presented, which shows that the European authorities are twisting or ignoring scientific facts and have distorted the truth in order to reach the conclusion that glyphosate should not be categorised as carcinogenic.”

Peter Clausing, toxicologist, Germany

How fatal the suppression of independent research on the effects of Roundup might be, is demonstrated by the initial results from studies – prompted by Séralini’s study – by Micheal Antoniou at “Kings College” in London. “Studies completed to date provide evidence that an extremely low dose of Roundup – even one thousandth of the daily permitted dose – can be harmful if there is long-term consumption of it. Monsanto and its associates should not have undertaken the removal of these series of research studies because they are absolutely authoritative for public health.” (C. Robinson).

The right to free science, linked with the right to information, are the vital preconditions for the upholding and assertion of universal human rights. Otherwise, as solicitor William Bourdon summarised at the Monsanto Tribunal: “It will only then result in a global monopoly of deadly products, (...) if there is a monopoly of information, a monopoly of presumed scientific truth.”

CLAIRE ROBINSON, UNITED KINGDOM, VIDEO UNDER “MULTIMEDIA” AT WWW.MONSANTO-TRIBUNAL.ORG

WILLIAM BOURDON, FRANCE, VIDEO UNDER “MULTIMEDIA” AT WWW.MONSANTO-TRIBUNAL.ORG

NICOLAS DEFARGE, FRANCE, VIDEO UNDER “MULTIMEDIA” AT WWW.MONSANTO-TRIBUNAL.ORG



THE VOICE OF VICTIMS IN VIETNAM

As the first Vietnamese organisation for victims of agent orange, VAVA brought an action in February 2004 before the Federal Court in New York. In March 2005, this was dismissed by Judge Jack B. Weinstein, because the military use of herbicides is not forbidden according to international law and could not therefore be interpreted as a war crime. The people in Vietnam still wait today for some form of compensation.

"More than three million people became victims of agent orange. Hundreds of thousands of them have in the meantime died. The survivors are fighting cruel illnesses or have abnormalities and malformations. (...) The illnesses caused by agent orange are perpetuated to the third generation – amongst grandchilids – and we do not know when that will stop."

SENIOR LIEUTENANT NGUYEN VAN RINH, PRESIDENT OF THE "VIETNAM ASSOCIATION OF VICTIMS OF AGENT ORANGE/DIOXIN" (VAVA).
SPEECH AT THE "WORLD PEACE CONFERENCE" IN KATHMANDU (16-18 NOVEMBER 2016)



War crimes

Operation “Ranch Hand” in Vietnam

JACKSON NYAMUYA MAOGOTO, LAWYER AND PROFESSOR¹⁶

In November 1961 the then president of the USA, John F. Kennedy, gave approval to use herbicides in the Vietnam War. “Operation Ranch Hand” was the official name of the program. The project served as being politically and economically astute as it was supposed to reduce fatalities on the American side and hasten the end of the war. The operation started in 1962 and lasted until 1971.

AGENT ORANGE

Throughout its period of operation, the U.S. Air Force sprayed herbicides over Vietnam, which mainly consisted of “agent orange”. The herbicide in each case contains half 2,4-dichlorophenoxyacetic acid and 2,4,5-trichlorophenoxyacetic acid. It was used as a defoliant to expose the fighters of the “National Front for the Liberation of South Vietnam” (NFB), or “Vietcong” for short, in the dense forests. But fields were also sprayed with it. The common name “agent orange” was derived from the colour code of the barrels in which the defoliant was stored. The operation ended in 1971, after approximately 80 million litres of chemicals had been sprayed over an estimated 3.3 million hectares of forest and soil. More than 3,000 villages were contaminated. Sixty percent of the defoliant used was agent orange, predominantly manufactured and supplied by Monsanto. Between 1965 and 1969 Monsanto was the leading supplier of the war suppliers who manufactured agent orange. The army’s mix had a higher concentration of dioxin than the “civilian” mix. This fact was due to the lower costs and faster manufacturing process. Today, dioxin is the substance whose potential for destruction is only exceeded by radioactive waste.

CONTRADICTION STUDIES

In 1970 the “United States National Academy of Sciences” launched a study, which in its 1974 report made the finding that the herbicides sprayed in Vietnam would not have caused any long-term damage – neither any birth abnormalities or environmental damage. In 1990 the same institution then came to the conclusion that there is indeed a correlation between dioxin-based herbicides and multiple illnesses – including sarcomas, non-Hodgkin lymphoma, Hodgkin lymphoma and chloracne. Furthermore, it is proven that in children of people, who came into contact with agent orange – Americans and Vietnamese – birth abnormalities occur frequently, including spina bifida, an embryonic closure disorder in the area of the spine.

¹⁶ Summary of its plea at the Tribunal



COMPENSATION IN THE USA

There is a direct correlation between agent orange and numerous instances of damage to health. Because what otherwise was the reason that the “US Department of Veterans’ Affairs” paid out compensation to US veterans, who had been affected by agent orange in respect of their health-related problems? The following conditions and types of cancer are compensated: Non-Hodgkin lymphoma, soft tissue sarcomas and chloracne¹⁷. It should also be mentioned that various manufacturers of agent orange and of other herbicides used in Vietnam have paid a total of almost 200 million dollars – pursuant to a class action resulting in an out-of-court settlement – to ten thousand US veterans who served in Vietnam during the period in question.

DEADLY CYCLE IN VIETNAM

There is no comparable rule for the worst affected: the Vietnamese – mainly civilians. The consequences there of “Ranch Hand” are still in evidence today. In 2001 Arnold Schecter, professor in Environmental and Occupational Health Sciences in the USA, published a health report on the region of Bien Hoa in Vietnam where 7,000 gallons (approx. 26,500 litres) of agent orange were dropped in 1970. The study also found high doses of dioxin in children who were born after the war, and in adults who had moved there but came from regions where no dioxin-based herbicides had been used. Schecter concluded from this that the toxic substance found its way from the soil into the groundwater and from there into the watercourse. The dioxin is then absorbed by organisms which live in the water (e.g. by fish) and is transferred via food into the human organism.

Jackson Nyamuya Maogoto, who was representing the concerns of victims of agent orange at the Monsanto Tribunal, concluded his plea with the following words: “The company Monsanto has gone unpunished for its crimes over the last 50 years. This corporation, which undertakes to dominate the global food supply, is a highly successful company economically, but it is also a successful murderer and deserves to be sentenced before a court.

JACKSON MAOGOTO, "BRIEF ON WAR CRIMES" UNDER "MULTIMEDIA" AT WWW.MONSANTO-TRIBUNAL.ORG
ROBIN, M.-M. (2009). THE WORLD ACCORDING TO MONSANTO DEUTSCHE VERLAGS-ANSTALT, MUNICH.

¹⁷ "In the USA 2.6 million US veterans are recognised as victims of agent orange. The veteran authority has paid out sums in the billions to them and their offspring. More than 20 illnesses are as a direct result of agent orange, including leukaemia, prostate cancer, spina bifida, neuropathy, diabetes, Parkinson's disease."
(from: Handelszeitung, Zürich, 20.4.2015: www.handelszeitung.ch/politik/vietnamkrieg-der-lange-schatten-von-agent-orange-771004)

The injured parties

In alphabetical order, with more detailed descriptions of the witnesses who in the last chapter “statements by witnesses” for reasons of space did not get a chance to speak or hardly at all.

Angelica El Canché, Mexico, beekeeper from the region of Campeche in Yucatan, who reported on the consequences of growing genetically modified maize and soybean crops.

Diego Fernández, Argentina, farmer

Paul François, France, farmer, won a court case against Monsanto. He described at the tribunal how he had been poisoned with the herbicide “Lasso” and had been exposed to threats by Monsanto.

Sabine Grataloup, France, mother of a disabled son, treated her horse pen with Roundup, when she was during the first month of her pregnancy. Her son, Theo, was born with an oesophagus that was too short and a deformed larynx. During his first nine years of life he had to be operated on 50 times.

Miguel Lovera, Paraguay, Agronom

Steve Marsh, Australia, organic farmer, who lost his organic certification due to GMO contamination. His claim against his neighbour, from whose fields pollen and seed from Monsanto’s “Roundup-ready canola” (Raps) found its way on to his fields, was rejected; he was ordered to pay 800,000 AU\$ in legal costs and is facing bankruptcy.

Pedro Pablo Mutumbajoy, Columbia, farmer, reported on the destruction of his fields by herbicides during the USA’s “anti-drugs war”.

Ib Borup Pedersen, Denmark, pig farmer

Kolon Arachchige Saman Prasanna, Sri Lanka, farmer

Maria Liz Robledo, Argentina, mother of a disabled daughter

Percy Schmeiser, Canada, farmer and seed producer, provided evidence of the consequences of contamination by genetically modified Raps and has won multiple cases against Monsanto.

Christine Sheppard, USA, former coffee producer in Hawaii. For eight years, from 1995, she used Roundup on her plantations. She fell ill to a particularly dangerous form of leukaemia, non-Hodgkin lymphoma (LNH), with only a 10 percent chance of survival.

Ousmane Tiendrebeogo, Burkina Faso, farmer

Feliciano Ucán Poot, Mexico, beekeeper from the region of Campeche in Yucatan, who reported on the consequences of growing genetically modified maize and soybean crops.

The Experts

Farida Akhter, Bangladesh, political analyst, spokesperson for a protest movement against Bt Brinjal, a genetically modified variety of aubergine. She reported how Monsanto attempted to force this variety on farmers.

Krishan Bir Choudhary, India, scientist

Shiv Chopra, Canada, scientist, “expert regulatory agency”

Peter Clausing, Germany, agronomist and toxicologist, member of the managing board of the “Pesticide Action Network Germany” (PAN). He has been campaigning against the renewal of the license for glyphosate in the EU since 2015.

María Colin, Mexico, lawyer, she described how licenses for GMO were promised without the local communities being told about the potential risks and without asking the permission of the indigenous population beforehand.

Art Dunham, USA, veterinarian

Marcelo Firpo, Brazilian, environmental and health researcher

Don Huber (Represented by **Art Dunham**), USA, biologist, professor emeritus for plant pathology, reported on the effects of glyphosate on soil. Its widespread use leads, amongst other things, to soil compaction and is thus linked to flooding and soil erosion during heavy rainfall.

Channa Jayasumana, Sri Lanka, expert on the environment and health

Monika Krüger, Germany, veterinarian

Timothy Litzenburg, USA, lawyer at the “Miller Firm” chambers in Virginia, represented about 1,000 victims of pesticides in the USA manufactured by Monsanto.

Juan Ignacio Pereyra, Argentina, lawyer

Claire Robinson, Great Britain, academic research

Gilles-Eric Séralini, (represented by Nicolas Defarge), France, academic research

Damián Verzeñassi, Argentina, doctor for public health

“Agent orange is a serial murderer
for generations to come.”

Jackson Nyamuya Maogoto

TH'O'NG SINH, 14 YEARS OLD. VARIOUS DISORDERS AND GENETIC ABNORMALITIES.



Concluding remarks of the Court

By Judge Françoise Tulkens, presiding judge for the Tribunal (extracts)

You are aware that this is a court of opinion. It is intended to allow civil society to give a voice to witnesses so that the public understands the effects of the activities of Monsanto. Over the two days we heard from witnesses, whom I would like to call “experts”, because not only are there experts of knowledge, but also experts of personal experience. For my part, you, honoured witnesses, were true experts giving testimony of your personal experience, your life, your history, what you have undergone, your suffering. This is an absolutely central consideration: (...) what you have suffered, what you have honestly presented to us with body and soul, and above all with dignity. I would therefore like to thank you. We have also heard experts in knowledge, scientists, expert consultants, who have provided clarification for us on these considerations. I would like to thank all of you because this was the main task of this tribunal.

(...) We shall examine the activities of Monsanto with reference to the right to a healthy environment, to food, to health and to information. For this reason, we need to clarify these points. But also in relation to what happened in Vietnam, and in relation to the new question of ecocide. We shall also examine whether the activities of Monsanto are or are not compliant with the stated legal instruments. In this respect I would like to thank the students as they have assisted us and worked for the tribunal. Students from Yale University in the USA and students from Leuven. Groups of students, who would like to stand up and be counted at the start of their professional careers, and who tomorrow will be the defenders of human rights. That is why I think it is so important that these groups have made their contribution with their research. (...) I hope that you will not forget this work as young professionals whatever you go on to do.

PROVIDING LEGAL INSTRUMENTS

After the tribunal we shall publish an ‘advisory opinion’. What is an ‘advisory opinion’? (...) An expert authority’s advisory point of view. A report by the tribunal, this court of opinion, which is legitimate – because this question is often asked – because it has been arrived at by civil society. (...) Generally, this ‘advisory opinion’ will include findings, as well as recommendations in all probability.

What is the implication, and what is the scope of this ‘advisory opinion’? It should firstly provide instruments. Legal instruments, as that is our field. The law is not everything in the world, absolutely not, but we are here in a court of law and the objective is to publish legal opinion, which will enable lawyers, judges and courts to take action, (...) to proceed in matters of liability and compensation. These issues must, of course, be addressed, which is essential.

ADVANCING THE LAW

The second objective is linked to this. The second objective is to further develop international standards of human rights. This is a point, which was evident to us in all of what we have heard: It is absolutely critical that international standards of human rights are further developed. If you don’t, who will? You must do it, my honourable Ladies and Gentlemen! From civil society! The law follows events. (....) The law is made for you, not for the legal experts or the legislators. The law is made for people, who live, who suffer. This is the second objective of this ‘advisory opinion’: to further develop standards of human rights. In our debates we shall be thinking about the crime of ecocide, which we would like to be included in the Rome Statute¹. But nobody will be able to do anything if there is no precise legal definition of the crime of ecocide. We need to make progress on this. In law one needs to be simultaneously patient and impatient. Patient because things don’t happen overnight. And impatient because we must want this to happen. (...). We need to advance international law in relation to the liability of companies, which is something we have seen over the last two days. In case of breaches of human rights, not only is it the state versus citizens, but (...) also citizens versus companies. We have the dual objective of creating instruments so that lawyers, judges, courts can proceed at the same time as advancing international law. If you experience this one day, (...) then it will be you yourselves who are to thank for this.

¹ The Rome Statute: The contractual basis of the International Criminal Court (ICC) in The Hague. Through it particularly serious breaches of human rights and humanitarian public international law are punished.

BILL MORRIS, THE FATHER OF HEATHER BOWSER, WAS ON ACTIVE MILITARY DEPLOYMENT IN VIETNAM IN THE SIXTIES. MORRIS SERVED IN AREAS WHICH WERE SPRAYED WITH AGENT ORANGE. DURING THE EIGHTIES, WHEN HE WAS AROUND THIRTY, HIS PHYSICAL COLLAPSE STARTED. HIS HEALTH PROBLEMS WERE DIRECTLY RELATED TO AGENT ORANGE. BILL MORRIS DIED ON 11 MARCH 1998.



HEATHER BOWSER DESCRIBES HERSELF AS AN AGENT ORANGE CHILD. SHE WAS BORN WITH SOME MISSING FINGERS AND WITHOUT PART OF HER RIGHT LEG. HER FATHER, BILL MORRIS, FOUGHT IN VIETNAM AND HAD BEEN EXPOSED TO AGENT ORANGE.



CANFIELD, OHIO, USA

MATHIEU ASSELIN

Roundup: Never-ending toxin

By Marie-Monique Robin, France, director and author,
patroness of the Monsanto Tribunal

The all-round herbicide, Roundup, is currently the key product of the company Monsanto. Roundup is at the centre of one of the biggest health and environmental scandals of our age, which is out and out more serious than that of asbestos. Because the active substance in this herbicide, glyphosate, can now be found everywhere: in water, in the air, in rain, in soil and in food. Right throughout the world, from north to south: The herbicide “mata todo” (well that’s its nickname in Spanish: ‘kills everything’) contaminates or kills soil, plants, animals and people. Glyphosate permanently destroys ecosystems, harms many living beings and so triggers a chain reaction, which ultimately affects us – which is exactly the definition of ecocide. Glyphosate contains four main characteristics which explain its toxicity: Glyphosate is a chelator¹, a powerful broad-spectrum antibiotic, an endocrine disruptor² and has been categorised by the World Health Organisation (WHO) as “probably carcinogenic to humans”.

CHELATOR AND BROAD-SPECTRUM ANTIBIOTIC

Only a few people know that glyphosate had not originally been developed as the active ingredient of a herbicide but as a chemical pipe cleaner for industrial plants. In 1964 the American company ‘Stauffer Chemical Company’ obtained a patent for this molecule, which as a strong chelator can bind to all metals that it comes into contact with. In the eyes of many scientists, this property explains the cases of serious poisonings in animals and people: When glyphosate is used on a large scale, it binds to toxic heavy metals present in the soil, which are then ingested by the living being. In the same way, glyphosate binds in the organism to vital metals – iron, magnesium, etc. – and so leads to a weakening of the immune system and to symptoms of deficiency, which can have fatal consequences. In addition to this, in 2010 Monsanto obtained a patent for another property of Roundup also overlooked for a long time: that of being an antibiotic, able to eliminate bacteria – both good and bad!

A TERATOGENIC SUBSTANCE

In 2010 the publication of a study by the research group of Andrés Carrasco (Medical Faculty, University of Buenos Aires) caused quite a stir worldwide. The study showed that glyphosate, both as a separate substance and as Roundup, disturb the retinoic acid³ signal path of frog embryos when they are exposed to doses of the two

¹ A chelator is described as being usually an organic compound, which is able to bind to metals (more specifically to metal ions) thanks to two or more free pairs of electrons. As a result, metals are bound and removed from the environment. Some chelators, such as glyphosate, are so potent that they can bind to all metals, harmful ones (e.g. lead) as well as essential/vital ones (e.g. iron).

² Endocrine disruptors are substances, which can attack the hormone system of mammals, including that of man. They disrupt the natural hormonal signal paths and are thus able to affect processes of growth and development.

³ Retinoic acid, amongst other things, controls two essential genes for the development of the central nervous system.

substances, comparable with quantities found in the environment. This led to severe birth defects in the tadpoles. The retinoic acid-based mechanism is the same one in all vertebrates – irrespective of whether they are amphibians, birds or mammals. Studies on chick embryos confirm the results proven in frogs.

In view of the scale of the reactions, the European Parliament called on the European Commission to delay the review of the license for glyphosate scheduled for 2012. Thereupon John Dalli, EU Commissioner for Health and Consumer Protection, commissioned the Federal Institute for Risk Assessment (BfR)⁴ with the task of verifying the Carrasco study to decide whether a deferral of the license review was justified⁵. The answer came by return of post: “No – not necessary.” The Federal Institute for Risk Assessment (BfR) maintained that “extensive, reliable, toxicological data from studies on rats and rabbits” supported the following finding: “Glyphosate is not teratogenic.”⁶ As a result of this John Dalli announced that the review of the license for glyphosate would be deferred until 2015. In an enquiry by the French NGO “Les Amis de la Terre” to the EU commissioner the reason given for this was the “excessive workload on employees of the European Food Safety Authority (EFSA)”.

TRADE SECRETS AND LIES

Yet this was just the start. Incensed by the judgement of the Federal Institute for Risk Assessment (BfR), which did not provide any kind of information as to the origin of the ominous ‘extensive, reliable, toxicological data from studies on rats and rabbits’, an international group of eight scientists – including Michael Antoniou, professor at the “School of Medicine at King’s College London” – carried out thorough investigations. The results published in the prestigious professional journal “The Journal of Environmental and Analytical Toxicology” show that for its assessment the Federal Institute for Risk Assessment (BfR) mainly relied on a summary of data completed in 2002 for the license – and that this was put together by Monsanto, Bayer and Dow! The scientists were able to obtain this summary: it was based on unpublished toxicological data protected by a trade secret.

In spite of this, the eight scientists were able to discover that the ‘extensive, reliable, toxicological data from studies on rats and rabbits’, in opposition to the opinion of the Federal Institute for Risk Assessment (BfR), very clearly demonstrated that glyphosate is teratogenic and leads to birth abnormalities. This means that these results are absolutely comparable with those of Andrés Carrasco’s research group – as

⁴ In the EU it is common practice that in each case a country is responsible for monitoring a particular chemical substance and forwards any potential (new) findings to the EU authorities on behalf of all member states. Wagging tongues maintain that Monsanto has therefore chosen Germany as being responsible for glyphosate because the industry experts there are more sympathetic.

⁵ Every chemical needs to be re-evaluated every 10 years. The last review of the license for glyphosate, however, dates back to 2002.

⁶ A teratogenic substance is a substance which causes abnormalities (due to biological, chemical or physical influencing factors).

well as with those of Rick Releyea (University of Pittsburgh, USA) or Rafael Lajmanovich (Universidad Nacional del Litoral, Santa Fe de la Vera Cruz, Argentina), to name but a few. In plain language: not only did the German experts work ineffectively, they baldly lied! Besides, it was also known that half of the employees of the Federal Institute for Risk Assessment (BfR) had worked for industrial operations such as Bayer or BASF, who also market glyphosate-based herbicides.

CARCINOGENIC OR NOT?

The news hit like a bomb: On 20 March 2015 the experts from the ‘International Agency for Research on Cancer’ (IARC) made their decision known that they were categorising glyphosate as ‘probably carcinogenic to humans’. Glyphosate was categorised as category 2A, which can be interpreted as being very serious, as in addition to a solid basis of data from animal experiments, there must also be an indication based on epidemiological data in humans for substances in this category. Logically, the IARC’s categorisation should have brought about a plain and simple ban on glyphosate, particularly in view of the widespread presence of this substance.

“In view of the risk to public health, caused by massive exposure to glyphosate herbicides, and in view of the serious suspicion establishing a link with the abnormalities of Theo, we appeal to the competent authorities to take action to protect children born in the future.”

Sabine Grataloup, mother of Theo, France

But far from it, the German Federal Institute for Risk Assessment (BfR) and the ‘European Food Safety Authority’ (EFSA) categorised glyphosate as “not carcinogenic”. Because the license for Europe had expired of its own accord in 2015, the risks and utility of the substance needed to be re-evaluated, as stipulated by EU law. In June 2016 the EU Commission extended the license of glyphosate-based herbicides by a further 18 months – until the end of 2017. Originally the EU Commission even wanted to extend the license by 15 years. After protests from some member states and the European Parliament, however, it had to considerably shorten the period of time – initially to nine years and then to 18 months. Until the expiry of this period a new study by the ‘European Chemicals Agency’ (ECHA) is supposed to clarify whether glyphosate can have carcinogenic effects. In March 2017 the agency came to the conclusion that glyphosate is not carcinogenic. This expert opinion was conveyed to the EU Commission. The Commission will ordinarily discuss this statement further in 2017 together with the member states to decide whether licensing the use of glyphosate as the active ingredient in herbicides is or is not extended.

GLYPHOSATE BANNED!

The future of Roundup and other glyphosate-based herbicides in the EU is still therefore open-ended. Other countries have already acted: Glyphosate was banned in El Salvador in 2013 and in Bermuda and in Sri Lanka in 2015. But something is also happening in Europe: In March 2017 the Wallonian government passed a ban on the use of glyphosate by private individuals. This decree has been in force in Wallonia since 1 June 2017.

Glyphosate is everywhere and that's why it is threatening ecosystems and living organisms. The Monsanto Tribunal has made it clear that the all-round herbicide is not only a chemical product, but also a legal and political issue. It is incumbent on us, in our role as a civil society to convince politicians and international institutions that glyphosate should be permanently banned.



MARIE-MONIQUE ROBIN AT THE TRIBUNAL

The “Monsanto Papers”

Esther Gerber, Biologist, EBF Switzerland

On 16 March 2017 the American judiciary released more than 250 pages of internal correspondence belonging to Monsanto. These internal documents - also referred to as the ‘Monsanto Papers’ - were made public following a class action, which had been submitted to the Californian Federal Court by several hundreds of farmers who are suffering from non-Hodgkin lymphoma (a form of leukaemia). The complainants refer to the World Health Organisation’s (WHO) classification of glyphosate as “probably carcinogenic to humans” by the ‘International Agency for Research on Cancer’ (IARC) in March 2015 and attribute their illness to extended contact with the herbicide, Roundup.

MONSANTO KNEW IT

The information in this internal correspondence shows that Monsanto had already been worried about the mutagenic¹ potential of glyphosate since 1999. Thus, for example, the toxicologist, Donna Farmer, working for Monsanto, wrote in an e-mail dated 29th September 2009 at the request of a colleague in Australia how best to react to a critical article in the press: “You can’t say that Roundup does not cause cancer”. Because Monsanto has not in fact carried out the necessary studies to demonstrate that glyphosate is not carcinogenic, as Mrs Farmer goes on to mention. It was mere coincidence that the decision of the ‘European Chemicals Agency’ (ECHA) had just been announced the day before these revelations came to light, on 15th March 2017, to classify glyphosate as neither carcinogenic nor as mutagenic: more than an embarrassment

MANIPULATION OF SCIENTIFIC STUDIES

The conclusion of the EU that Roundup should be allowed to continue to be sold for the time being is based on studies written or influenced by Monsanto. In an e-mail Monsanto’s head of Product Safety, William Heydens, suggests that in-house scientists should write studies and that they then could be published in the name of ‘independent’ scientists without disclosing the company’s involvement. He calls it ‘ghostwriting’. Heydens wrote on this: “We can keep costs down² if we write the studies and they (the ‘independent’ scientists, editor’s note) just revise them and put their name at the bottom.” This tactic was used verbatim, amongst others, in the case of a review article by Kroes & Munro³ (2000), which was cited in the report of the ‘Federal Institute for

¹ Causing mutations, i.e. changes in the genome.

² It is evident from the documents that scientists received money for their services, that these costs were, however, lower for Monsanto than if Monsanto had commissioned the studies to be completed by independent scientists.

³ Williams GM, Kroes R, Munro IC. (2000) Safety evaluation and risk assessment of the herbicide Roundup and its active ingredient, glyphosate, for humans. *Regulatory Toxicology and Pharmacology* 31 : 117-65.

Risk Assessment' (BfR) in Germany more than 30 times - and which then came to the conclusion that there was insufficient evidence that glyphosate would cause cancer in humans. The 'European Food Safety Authority' (EFSA), which refers to the report of the BfR, then came to the same conclusion in November 2015.

MIDDLEMEN IN THE LICENSING AUTHORITIES

The documents also show that Monsanto had been warned months before the publication about the decision of the 'International Agency for Research on Cancer' of categorising glyphosate as "probably carcinogenic" by the acting divisional director of the 'U.S. Environmental Protection Agency' (EPA or USEPA0), Jess Rowland. Thus, the company had enough time to prepare a PR attack on this decision. Furthermore, Mr. Rowland promised to prevent a subsequent review (of the basis for the data in relation to glyphosate and cancer, editor's note) by the US Ministry of Health. In an e-mail in 2015 Dan Jenkins, a member of the Monsanto board of directors, wrote that Rowland had explained: "If I can kill this (investigation by the US Ministry of Health, editor's note), I should get a medal." The investigation was never undertaken.

STÉPHANE FOUART: LEMONDE.FR/PLANETE/ARTICLE/2017/03/18/MONSANTO_PAPERS

VINCENT HARMSSEN, EUOBSERVER.COM/ENVIRONMENT/137741

DANNY HAKIM: WWW.NYTIMES.COM/2017/03/14/BUSINESS/MONSANTO-ROUNDUP-SAFETY-LAWSUIT.HTML

KARA COOK-SHUTZ, WWW.USPIRG.ORG/NEWS/USP/MONSANTO-COLLUDED-GHOST-WRITE-STUDIES-PESTICIDE-ROUNDUP



The legal opinion

Summary of the legal opinion of the International Monsanto Tribunal of 18th April 2017

The International Monsanto Tribunal is an extraordinary court of opinion, which was created at the initiative of civil society to legally investigate certain activities of the company Monsanto. The hearings took place in The Hague on the 15 and 16 October 2016. The witness statements made within this context were intended to enable the tribunal to answer six questions. The legal opinion drawn up by the tribunal contains a legal analysis of the questions posed, and in the interests of the continued development of the protection of international human rights and of public international environmental law it is not only based on valid international law, but also on future legal norms. The legal opinion can be broken down into three parts. The circumstances of how the tribunal was established is discussed by way of introduction. Next the six questions are subjected to legal examination. At a fundamental level it seeks to highlight the increasing asymmetry between the rights of the multinational corporation on the one hand and, on the other, its obligations obligations in the interests of protecting local communities and future generations.

1. THE RIGHT TO A HEALTHY ENVIRONMENT

The first question directed towards the tribunal related to a potential violation of the right to a healthy environment.

In so doing it investigates whether the activities of the company Monsanto can be reconciled with the right to a safe, clean, healthy and sustainable environment, as this is internationally recognised as a human right (resolution 25/21 of the UN Human Rights Council dated 28 March 2014). In this respect, the responsibility of companies, which arise out of the UN guiding principles on business and human rights adopted by the Human Rights Council in its resolution 17/4 on 16 June 2011, were taken into account. The tribunal points to the fact that the right to a healthy environment originates in the Stockholm Declaration of 1972 in which respect for the environment was recognised for the first time as a prerequisite for the enjoyment of human rights. In the meantime, over 140 countries have recognised corresponding rights at constitutional level as a result of which the right to a healthy environment has achieved customary international legal status. Set against the backdrop of existing dangers threatening the right to a healthy environment, the UN Special Rapporteur on human rights and the environment, John Knox, developed protective obligations arising out of this right. The United Nations Human Rights Council also reached the conclusion that human rights imposed certain obligations on countries to safeguard the right to a healthy environment.



GENEVA, INDIANA. 2013

MATHIEU ASSELIN

The witness statements provide evidence of the effects, particularly associated with Roundup, of the activities of Monsanto on human health, namely that of farmers, on the soil, plants, aquatic organisms, the health of animals and biodiversity. The witnesses also report on the unintended effects of the use of pesticides on other crops. The hearings uncovered further influences on local communities and indigenous populations as well as the failure to provide information to the affected groups. Based on all of these findings in respect of the first question the tribunal comes to the conclusion that Monsanto's business practices have negative effects on the right to a healthy environment.

2. THE RIGHT TO FOOD

The second question was about the potential breaches of the right to food pursuant to article 11 of the International Covenant on Economic, Social and Cultural Rights, article 24 paragraph 2 litera c and e and article 27 paragraph 3 of the Convention on the Rights of the Child and article 25 litera f and article 28 paragraph 1 of the Convention on the Elimination of All Forms of Discrimination against Women.

According to the committee on economic, social and cultural rights, the right to appropriate food dictates that "every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement." The tribunal in this respect finds that, against the backdrop of the OECD guiding principles for multinational companies and the UN guiding principles on business and human rights, companies are obliged to respect the right to food. As part of the hearings, negative effects on agricultural production and ecosystems became evident as well as the incidence of invasive species and the reduced effectiveness of Roundup. Some farmers were forced to pay license fees to Monsanto because their fields were contaminated by genetically modified organisms (GMO) while others point to the tremendous influence of the multinational company on the market for



seed, which exists irrespective of unattained production targets. With respect to the second question the tribunal reaches the finding that Monsanto's activities have a negative impact on the right to food. Monsanto's business practices reduce the availability of food for individuals and communities and undermine their ability to directly feed themselves or to do so without genetically modified seed.

In addition, genetically modified species are prohibitive for some farmers and pose a threat to biodiversity. The activities of Monsanto also have a detrimental effect on soil and watercourses as well as the environment in general. The tribunal thus recognises a violation of the principle of food sovereignty and highlights those instances in which farmers were forced, due to the contamination of their fields, to pay Monsanto license fees or to give up what up to that time were their GMO-free crops. The aggressive marketing of GMOs, which requires the annual purchase of new seed, is also a violation of the right to food. There is valid criticism of the prevailing agro-industrial model, which in view of the existing agro-ecological alternatives needs to be denounced all the more vehemently.

3. THE RIGHT TO HEALTH

On the basis of the third question the tribunal examined the potential breach of everyone's right to the highest level of health attainable pursuant to article 12 of the International Covenant on Economic, Social and Cultural Rights and pursuant to article 24 of the Convention on the Rights of the Child.

The right to health is linked with other human rights such as, for example, the right to food, the right to access water and sanitary facilities and the right to a healthy environment. The right to health is not only enshrined at a global level but also in numerous regional human rights systems. In terms of content it covers both physical, psychological and social aspects of health. According to the witness statements direct or indirect contact with Monsanto products passed on through the environment gives rise to numerous health consequences such as, for example, severe congenital disabilities, the development of non-Hodgkin lymphoma, chronic illnesses, poisoning or even death. The tribunal points to the fact that Monsanto has produced and marketed numerous hazardous substances. These include, in the first instance, PCBs, which constitute persistent organic pollutants, in the meantime banned in accordance with the Stockholm Convention on Persistent Organic Pollutants from 2001 and exclusively sold by Monsanto from 1935 to 1979, although the harmful effects on health were already known to the company. These carcinogenic products cause infertility, developmental disorders in children and disorders of the immune system. Secondly, glyphosate (the active ingredient in the herbicide Roundup) should be singled out, which is categorised in certain studies as being carcinogenic, whereas other bodies, namely the EFSA, reach a contrary conclusion. According to the expert opinion of 15th March 2017 in relation to the classification of glyphosate, the European Chemicals Agency (ECHA) refrains from categorising glyphosate as being a substance that is carcinogenic, mutagenic and reprotoxic (CMR).

In this respect the tribunal points to the fact that, in spite of residues of glyphosate in food, drinking water and even human urine, the risks of contact with this substance are being ignored. The marketing of GMOs, which are resistant to Roundup, has led

to extensive dissemination and use of this herbicide. It is qualified by the International Agency for Research on Cancer (WHO) as being “probably carcinogenic to humans”. Other reports establish genotoxicity for both humans and animals. Monsanto’s internal documents, published in March 2017 by order of the District Court of North California (San Francisco), should at least be taken into account; they reveal that the company has manipulated scientific studies thereby making the scientific controversy surrounding the health risks of glyphosate a thing of the past. Thirdly, the marketing and dissemination of genetically modified organisms give rise to numerous questions, particularly as there is no scientific consensus on the acceptability of GMOs. The corresponding controversy finds itself in a context, which is characterised by non-transparent studies and the inability to conduct independent research. The “Monsanto Papers” have highlighted the systematic practice on the part of Monsanto of manipulating scientific studies and of exerting influence on experts. Furthermore, there is no consensus at a political level. Meanwhile, the UN Special Rapporteur on the Right to Food has invited an independent expert to promote global respect for the precautionary principle. Set against the backdrop of these findings, the tribunal establishes that Monsanto’s business practices have a detrimental impact on the right to health.

4. THE RIGHT TO FREEDOM OF SCIENCE AND FREEDOM OF EXPRESSION

The fourth question related to potential breaches of the essential freedom to scientific research pursuant to article 15 paragraph 3 of the International Covenant on Economic, Social and Cultural Rights and of the rights to freedom of opinion and freedom of expression enshrined in article 19 of the International Covenant on Civil and Political Rights.

The freedom of science is closely linked to freedom of opinion and rights to freedom of expression and to information. It’s about an essential and central freedom supporting the protection of other human rights such as, for example, the right to a healthy environment, the right to food and the right to water. Freedom of science dictates that researchers are free to be able to express themselves, and in the event of whistleblowing, to enjoy effective protection. The witness statements of agronomists and molecular biologists provide evidence of business practices, which in part have led to condemnations of Monsanto. The following practices can be cited by way of example: illegal cultivation of GMOs; the use of scientific studies which in the absence of full consideration of all of the ingredients in Roundup, minimize its negative effects; and large-scale campaigns to discredit the results of independent scientific studies. Such strategies have even led to the withdrawal of a study published in an international journal, and to a scientific officer in a health authority losing his job. In relation to the fourth question, the tribunal thus reaches the conclusion that Monsanto’s activities breach the essential freedom to undertake scientific research. The discrediting of

scientific studies, which raise serious questions about protecting the environment and health, resorting to false scientific expert reports commissioned by Monsanto, exercising pressure on governments and acts of intimidation, are attacks on the freedom of science and all the more reprehensible when they are associated with risks to health and the environment and in this respect, rob society of its ability to effectively protect numerous other human rights. The attempts to bring scientific studies into disrepute or to silence their authors improperly subvert the inalienable freedom to scientific research and the right to freedom of expression, and also impinges on the right to access information.

5. AIDING AND ABETTING WAR CRIMES

The fifth question related to the aiding and abetting of war crimes within the meaning of article 8, paragraph 2 of the Statute of the International Criminal Court in relation to agent orange.

Between 1962 and 1971 more than 70 million litres of dioxin-based agent orange was sprayed over an area of almost 2.6 million hectares. This defoliant caused extensive damage to health within the Vietnamese civilian population. Military personnel from the United States, New Zealand, Australia and Korea were also harmed as a result, with respect to which legal proceedings have been conducted, in the context of which the liability of Monsanto, in particular, has been established. Set against the backdrop of valid public international law and a lack of any clear evidence supporting aiding and abetting, the tribunal is not able to reach any conclusion on the corresponding question. Nevertheless, it appears that Monsanto was not only aware of what the purpose of the products was, but also had at its disposal information relating to the consequences for health and the environment. In this respect the tribunal emphasises that Monsanto's activities could fall within the competence of the International Criminal Court, once the crime of ecocide has been enshrined in international criminal law.

6. THE CRIME OF ECOCIDE

In accordance with the sixth question the tribunal examined whether Monsanto's behaviour could be qualified as constituting the crime of ecocide in which case ecocide is understood to be the serious violation or destruction of the environment, which is likely to have a serious and permanent detrimental impact on global commons or ecosystems on which certain groups of people are dependent.

The development of international environmental law confirms that detrimental impact on the environment is understood to constitute a breach of central, social values. The international community acknowledges that conserving the integrity of ecosys-

tems and of a healthy environment are essential to supporting a dignified life for today's and future generations. The opinion of the chief prosecutor at the International Criminal Court (ICC) in September 2016 also bears testimony to this in relation to the choice and prioritisation of cases according to which the prosecution of crimes, which fall within the jurisdiction of the ICC and which relate to acts of environmental destruction, the illegal exploitation of raw materials and the illegal appropriation of land, deserves special attention. Irrespective of this and of the ever-tightening network of environmental protection standards, a chasm remains between the corresponding obligations and actual protection of the environment. The tribunal finds in conclusion that the activities of Monsanto could constitute the crime of ecocide once such an offence is enshrined in public international law. Various business practices could apply such as, for example, the sale of glyphosate-based herbicides to Columbia where these substances are sprayed using aeroplanes over cocoa plantations thereby having a detrimental impact on the environment and the health of the population, furthermore the widespread use of hazardous agrochemical products in industrial agriculture such as Roundup, and the production, marketing and sale of genetically modified organisms. Serious incidences of contamination of soil and waters and the detrimental impact on the variety of plants may also qualify as constituting ecocide. This also applies in respect of the use of persistent organic pollutants such as PCB, which cause significant and permanent harm, which also have an impact on the rights of future generations.

The Tribunal's Appeal

In the third section of the legal opinion the tribunal emphasises the considerable and widening chasm between human rights on the one hand, and the responsibility of multinational corporations on the other, and in this respect appeals on two counts to the international community.

The first issue relates to the need to reaffirm the primacy of human rights and of international environmental law. Indeed, numerous legal norms exist both within the framework of the World Trade Organisation and within bilateral investment protection agreements and free trade agreements, which serve to protect investors. These provisions make it increasingly difficult to implement national law and aggravate political efforts to safeguard human rights and the environment. There is a significant risk of a widening chasm opening up between human rights and international environmental protection law on the one hand, and international trade and investment law on the other. Action on the part of United Nations bodies is an urgent require-



ment as otherwise there is a risk that fundamental legal questions may be clarified by private courts of arbitration outside the UN system. In addition, the tribunal calls for non-state stakeholders to be held to account in conjunction with the protection of human rights. It is now time, according to the tribunal, to recognise multinational corporations as legal entities and to deal with violations of human rights accordingly. The tribunal deprecates the asymmetry that exists between the rights and duties of multinational corporations. The legal opinion therefore encourages the offices, authorities and bodies involved to effectively safeguard human rights and the environment in the face of certain practices of multinational corporations.

Ecocide and the right of future generations

By Emilie Gaillard, lecturer in private law, the University of Caen, Normandy

The international Monsanto Tribunal has developed two legal concepts, which deserve to be comprehensively assessed; they are invoked to add value to future international legal norms: these are ecocide and the right of future generations. The original and creative proposals set out in the legal opinion of April 2017 are based on these concepts.

THE INTERNATIONAL CRIME OF ECOCIDE

The concept of ecocide is not recorded in international law. On the occasion of the opening of the “United Nations Conference on the Environment” in 1972 the Swedish Prime Minister used this expression and described the Vietnam War as constituting ecocide. Analysis of its meaning allows us to understand the core of the concept: “Eco” comes from Ancient Greek and means “home or house”, “occidere” comes from Latin and means “to kill”. The definition of the Citizens’ Movement ‘End Ecocide on Earth’ is as follows: “Ecocide is the fact of destroying one’s home, that is the only one that we have: the earth!” Point 6 in the references (see Appendix) poses the question to the judges and provides the following definition of ecocide: “Do the activities carried out in the past and present by the company Monsanto constitute the offence of ecocide, a crime which consists of causing serious damage to the environment or its destruction, thereby having a detrimental impact on commons or ecosystem performance on which certain human communities are dependent, in a devastating and permanent manner?”

In this question the elements supporting the offence of ecocide are clearly listed: serious harm to the environment, the permanent destruction of commons or even harm to environmental support systems (ecosystem services). It should also be pointed out that this question is closely linked with point 5 when talking about ‘agent orange’, which was sprayed on to forests during the Vietnam War.

CLOSING A LEGAL LOOPHOLE

In the opinion of Koffi Dogbevi (he was pleading for the recognition of ecocide before the tribunal), this concept makes it possible to provide an appropriate legal matrix to account multinational corporations, who cause particularly serious environmental damage. There is actually a legal loophole, which should be closed in order to facilitate the criminal prosecution of multinationals which destroy and exploit the environment. In the opinion of the Monsanto Tribunal, the development of international law in relation to the environment is accompanied by the growing awareness on the part of the public that endangering and harming the environment constitutes a violation of the highest social value systems. At the current point in time the legal proposal against

the crime of ecocide still needs to be given form; nonetheless the public prosecutor for the International Court of The Hague is publishing a document – one month before the hearings at the Monsanto Tribunal – in which the public prosecutor does not exclude prosecuting serious environmental damage in the future and indeed doing so as a crime against humanity.¹ This powerful signal from a prominent person within the international criminal justice system may be historic!

Set against this backdrop, the Monsanto Tribunal thinks it appropriate that international criminal law now precisely and clearly elaborate on how the environment is to be protected, and on the crime of ecocide. In the opinion of the judges of the tribunal “it is not necessary to prove specific intent on the part of the perpetrator for the destruction of the environment in order to establish the crime of ecocide.” The court reaches the conclusion that if such a criminal offence were to exist in international law, the activities of Monsanto could fall under this offence.

THE RIGHT OF FUTURE GENERATIONS

Secondly: as regards the concept of future generations, the court offers two points of view on this. First it reminds us that the right to a healthy environment really makes sense only if a human has the duty to protect and improve the environment – both for today’s generation and future ones. In other words, the right to a healthy environment is at the same time a right for today’s people and a right for future generations. This fact requires an immediate response in international law. Secondly, the legal defence of these rights undoubtedly needs to carry the full weight of the rule of criminal law. Harming health and the integrity of the environment is against every form of ethics and must therefore be sanctioned with criminal law. The right of future generations will thus make its way into the rule of law.

The expert opinion of the Monsanto Tribunal makes an important contribution to the concept of ecocide and to the concept of future generations. International law can be strengthened and prevent multinationals from jeopardising people and the environment in the future. The crime of ecocide closes a legal loophole which to date has made it possible for serious environmental damage to go unpunished. The consultative opinion of the Monsanto Tribunal opens up the way for a permanent, transgenerational safeguarding of the right to a healthy environment.

¹ See “General policy document on the selection and hierarchy of affairs”, published on 15 September 2016 by the Public Prosecutor’s Office, the International Court, The Hague

Feedback and prospects

The International Monsanto Tribunal is a civil society initiative and has been publicised as such within the international media. As a result, citizens around the world are encouraged to take action themselves.

The court proceedings were observed with great interest internationally. The 1200 supporting basic initiatives and organisations, 50 of which are from Switzerland¹, made an essential contribution. Numerous well-known personalities given a point of view as ambassadors of the tribunal and have thus acted as a ‘catalyst’ for these concerns.

Following its publication, the tribunal’s legal opinion was disseminated to numerous United Nations bodies, including the International Criminal Court and the Human Rights Committee. Violations of human rights and the negative effects on the environment caused by Monsanto are now officially well-known. Through the tribunal, politicians and representatives of the media have gained a more accurate understanding of Monsanto’s scandalous methods. On this basis they are able to take the company and other corporations to task and contest their practices.

The tribunal has raised awareness of the need for a reform of international law, to provide people, who have fallen victim to the practices of multinational corporations, with unfettered access to justice. The conclusions of the tribunal demonstrate that the claims of victims are legitimate.

The tribunal has established arguments and premises which are now at the disposal of injured parties and their legal representatives to ease the task of taking legal action against Monsanto and other large corporations at national level. This fact could encourage more injured parties to start the process of taking legal action. The expert opinion can also serve as a backdrop for collecting the necessary money for injured parties who do not have extensive resources, so that they can take legal action.

¹ From Switzerland “Stop OGM”, “Biovision” and the EBF were represented in the organising committee. In addition, a delegation of 20 citizens from various parts of the country made the journey to the hearings in The Hague.

Taking Monsanto as an example, the tribunal has demonstrated why it is fundamentally important to include the offence of ecocide in international law. In addition, special attention should be drawn to the fact that priority should be given to people and environmental rights in any conflict involving business and investment rights.

The tribunal has contributed to raising more awareness about the dangers of industrial agriculture, and demonstrated the need to change the agricultural paradigm by moving towards small-scale, sustainable agriculture. In the ‘People’s Assembly’, which took place at the same time as the tribunal, the opposition and its concrete alternatives were articulated and were able to reach out to a diverse public.

During the tribunal and the ‘People’s Assembly’, relationships were forged between the people involved at an international level, who may take action to support further campaigns and initiatives, for example if the merger between Monsanto and Bayer comes about and the merged company denies any liability in respect of previously caused damage.

Marie-Monique Robin, author of the best-seller “The world according to Monsanto” and patroness of the tribunal, filmed the court proceedings and used the sequences in her new film “Le Juge et l’Herbicide”² (“Le Roundup face à ses juges”, English working title: “Roundup on trial”), which was broadcast by multiple television channels, including Arte, in various countries during the second half of 2017.

The expert opinion is to be widely disseminated – to international and national state institutions, to universities, churches, NGOs, cultural sites, etc. – and so reach as many citizens as possible.

² Trailer of the film: www.m2rfilms.com

IS YOURS
ONE OF THESE

"BUSINESS BABIES"

that will grow to **GIANT SIZE**
on Styrene Monomer?

Who hasn't wished he'd been in on the ground floor when plastics or synthetic detergents or any of scores of other major chemical developments first came along? *Right now* a whole new ground floor is opening up for alert executives and research men in the use of styrene monomer and its end products. For the first time, large-tonnage supplies are *immediately* available.

What's *your* pet idea—waiting only for the *right* material to come over the horizon? Versatile styrene monomer is available now... in drum, tank-truck and tank-car lots from Monsanto's giant new plant at Texas City. Already in a top-tonnage spot among the basic chemicals of industry! Today's foundation for hundreds of brand-new businesses tomorrow!

The list below scarcely scratches the surface. For the *full* story, wire or write on your company letterhead for your free copy of a big, new illustrated brochure just off the press. It's full of thought-starting nourishment for your "business baby." MONSANTO CHEMICAL COMPANY, Texas Division, Texas City, Texas.

APPLICATIONS OF STYRENE MONOMER AND ITS END PRODUCTS

In dispersions for new coating effects on textiles and papers; high-efficiency binders in water-based paints; better adhesives, liquid waxes and polishes. **In polyester resins** for a multitude of revolutionary new low-pressure laminations of glass fiber, glass cloth, paper and other materials... and for large contour molding where new markets await a material requiring inexpensive molds, little pressure and low heat to produce scores of products.

In elastomers for the new handsome, long-wearing shoe soles, heels and uppers that already are taking new markets by storm; for luggage, apparel accessories, transmission and conveyor belting, gaskets, grommets, floor tile... or what's *your* pet idea?

In modified alkyl resins for fast air-drying coatings on metals or wood; in baking enamels for metal furniture, electrical and office appliances, lockers, fixtures, metal outdoor signs; in anticorrosion spray coatings for heavy machinery, toys, farm and garden equipment. **In styrenated vegetable oils** for exceptionally fast-drying paints, enamels and varnishes with excellent gloss.

In dozens of new fields—rewritable and pressure-sensitive adhesives; heat-sealing coatings; cationic ion exchange resins for water purification, food-flavor processing, chemical manufacturing; a whole new family of organic chemicals yet to be thoroughly investigated; a wide range of new resins for film formers, molding compounds and casting and coating.



Serving Industry... Which Serves Mankind



CANFIELD OHIO, 2012

MATHIEU ASSELIN

Afterword

Extract from the speech of Marie-Monique Robin, patroness of the Monsanto Tribunal, at the conclusion of the witness hearings (16 October 2016, The Hague).

A UNIQUE MOMENT FOR THE FUTURE

(...) I am of the sincere opinion that this event will make a deep impression on all of us because what we have experienced here is a historic and unique moment in time. Unique because victims and experts have travelled from all over the world and have had the opportunity to meet one another. That was very moving. I already knew them beforehand because I had filmed them in their home surroundings and I now see how they exchanged accounts here of what they have suffered – a suffering that they can now share with one another. The same also applies in respect of the experts because it is no easy thing to work as a lawyer for human rights in Argentina. It is no easy matter working as a doctor for the common good, as Damián Verzeñassi does. You have all shared accounts here and that was often painful. But it was also an opportunity to set something into motion. Damián said this and I find it wonderful: together starting the process of restoration and healing the wounds. Doing this together is very important.

This tribunal is also unique because the victims of Monsanto have been given a voice, before a genuine court of law. (...) Ladies and Gentlemen, you are the true judges, I mean you know the law and can dispense justice. We have confidence in you. It is very important for trust to be restored between us, civil society, and you, the legal representatives.

Many witnesses have travelled from far away. I would, for example, like to thank our friends from Sri Lanka, Kolon Saman and Channa Jayasumana (...): 30,000 dead in Sri Lanka, I have seen whole families, who need dialysis. Mothers with their children, completely on their own. Sometimes I felt only rage and anger. A place such as this (the courtroom for the Monsanto Tribunal, editor's note) makes it possible to bring a sense of calm to the whole matter.

For many victims this was also an unbelievable opportunity to escape their immense sense of isolation. If you are a farmer, a rice grower in the furthest backwater of Sri Lanka, you can scarcely imagine being heard by genuine judges. "That recharges the batteries", said Channa, and that is right. We draw new energy that we can channel back into our life back home. This tribunal is also unique because it (...) sets a precedent in legal history. The law is in fact being elaborated and formulated at universities in the first instance. We need Law students – you were right, your Honour, to appreciate these young people who have helped us.

The law is also being shaped in places such as this. In places where reports based on personal experience add to the scientific expert opinion. Where feelings are not viewed as a weakness, but give substance to the actual situation, which otherwise often fades into the background amongst the opinions presented by experts.

This tribunal is unique because an enormous quantity of information has been collated here – a body of law or ‘evidence’ as it is called in English. It’s about evidence, which all of those who have been here will take home with them. I hope that this evidence serves as an inspiration for those who have taken part in the tribunal, to make claims against Monsanto and the others (agricultural corporations, editor’s note), wherever they live: in Argentina, in Sri Lanka, the USA – everywhere. Because we’re all in the same boat, I almost said: in the same ‘Titanic’. This tribunal is unique because it is a model, a matrix, which can be reproduced all over the world. (...)

There is a great deal at stake. The future of our earth. The future of our children. The right of future generations to a planet on which they can live in health and dignity without being poisoned; without dying because we have deregulated the climate so much that we can no longer live. I would remind you that through its agro-industrial model, which the corporation embodies, Monsanto is contributing massively to climate change. (...) On behalf of the committee, which gave rise to the formation of this tribunal, I would like to thank you, the judges. I know it was not always straightforward being involved in this initiative. I would also like to thank the witnesses. And I would like to thank the public, who are here. I think we have opened up a chink in the wall of impunity. Together we have paved the way and I hope we will continue on this route together so that living conditions on earth remain humane – for us all and for our children.

MARIE-MONIQUE ROBIN, FRANCE, VIDEO UNDER "MULTIMEDIA" AT WWW.MONSANTO-TRIBUNAL.ORG,
WRITTEN REVISION: MICHAEL RÖSSLER WITH THE CONSENT OF MARIE-MONIQUE ROBIN

You can't play around with food! A world without agricultural corporations?

WORLDWIDE PROTESTS AGAINST "MONSANTO PROTECTION ACT"

By René Lehnerr, organising committee of the Monsanto Tribunal

In March 2013 the US President and Nobel Peace Prize winner, Barack Obama, signed the hotly contested provision referred to by its critics as the "Monsanto Protection Act", Provision "HR 933: Consolidated and Further Continuing Appropriations Act 2013" containing passages which seem to have been written by Monsanto for Monsanto. It secures blanket permission for the genetic engineering corporation to cultivate and sell its products and allows it to ignore the decisions of American courts on its experimental cultivation of genetically modified crops. Genetic engineering corporations such as Monsanto are now allowed to grow, harvest and sell their plants even when there are strong signs of risks to health and the environment or when court proceedings are on-going. Time and again corresponding lawsuits by citizens resulted in proceedings which prevented Monsanto from planting and selling some of its genetically modified plants.

CLOSE CORRELATION BETWEEN CORPORATION AND THE STATE

Legislation shows the immense power of the corporation, which virtually writes its own laws, and even shocked experts, although it had been known for a long time how greatly US politics has been infiltrated by Monsanto. Top managers from Monsanto are constantly moving in and out of critical positions in US politics and into the Ministry of Agriculture. US ambassadors force genetic engineering on countries in the southern hemisphere; US politics ignores independent studies, allows contested patents, prevents the identification of food and usually demonstrates itself to be closer to the interests of the corporation than to those of its citizens.

The provision also signified a dramatic backward step for consumer organisations such as "Organic Consumers", which represent more than a million consumers in the USA and whose director, Ronnie Cummings, is also an active member of the organising committee of the Monsanto Tribunal. The chances of winning the fight – which could go on for many years – for the obligation to identify genetically modified food in the USA are greatly reduced as a result.

"MARCH AGAINST MONSANTO" - A SUCCESSFUL PROTEST

But after the shock had abated, the backlash was unleashed. The "Monsanto Protection Act" became the trigger for the global demonstrations that take place every year

under the motto “March against Monsanto” in which millions of people take to the streets. The last but one Saturday of the month of May has become an expression of the will of the people across the entire globe who stand up for a different kind of agriculture and food production.

The protest was proving effective while the “Monsanto Protection Act” was assuming a prominent position amongst political scandals at international level. The provision, which was already being implemented, was approved by Congress but failed to get over the hurdle of the Senate. Following the election of Donald Trump as US President we can unfortunately expect that the wheels may well turn back completely.



MARCH AGAINST MONSANTO AND SYNGENTA, BASEL, 2016

Organic farming can feed the world

By Hans R. Herren, Founder and President of the Foundation Board of Biovision

DIVERSITY RATHER THAN UNIFORMITY

The approach of industrial and conventional agriculture is not merely reductionist, because it is solely focused on maximising yields, but at its core is also uniform in nature. The same standard model applies everywhere: single-crop farming and large-scale fattening units currently dominate agricultural landscapes right around the globe; the same high-yield varieties are grown all over the world using lots of water and fertilizer and the fields are degraded with agrochemicals. The consequences not merely involve damage to the environment and to health and the insidious destruction of production facilities: uniform systems are also vulnerable and offer low resistance.

I compared the agro-ecological approach to diversity with this model. This includes not only the diversity of species and varieties at an operational level, but also diversity in the farming systems. Agricultural ecology is not a standardised concept, the notion includes a variety of agricultural methods which have been adapted in each case to the local conditions and have been further developed locally. The principle of ecological, economic and social sustainability is the common thread and extremely important to these systems.

The problems with today's food production system are linked with other problems: destruction of the environment, economic crisis, growing inequality, social consequences of globalisation, climate change, health crisis, war, violence and terror. None of these problems can be solved in isolation. That's why a uniform approach is needed as part of agricultural ecology.

HOW DO WE ACHIEVE OUR OBJECTIVE?

By means of a fundamental change in agriculture policy and re-orientation of agricultural research. Transformation of the food production system comes at a cost, but the money that we use for this will prevent much greater costs for future generations. This is investment in the future.

Viewed globally, small-scale farming is the largest employer on our planet by some margin. 2,6 billion people – 40% of the earth's population – live off it. While agriculture in industrialised countries of the North continues to contribute only a few percent to the gross national product (in Switzerland it is only about 1%), this proportion in 20 developing countries reaches more than 30%: of these 20 countries, 17 are in Africa.

Farmers need fair producer prices otherwise it is not worth their while increasing production beyond a subsistence level. Instead of suppressing product prices it is important to raise the standard of living so that people are able to purchase good food at a fair price. To achieve this, investment in small-scale farming is an effective measure. And this should be undertaken from the public purse – ultimately food security is the responsibility of the state. The World Bank estimates that economic growth in the agricultural sector contributes twice as much to reducing poverty than growth in any other sector. In spite of this, the World Bank has steadily reduced its contributions to agriculture over the last three decades.

Food prices also need to be fair in relation to nature: external costs also need to be factored in. “The Economics of Ecosystems and Biodiversity” (TEEB), an initiative by the UN Environment Programme UNEP, is working at calculating these costs. The first global analysis of beef production showed, for example, that external costs – caused, for instance, by greenhouse gas emissions, converting forests into pasture or air pollution – amount to around 170 US dollars per kilogram of beef protein.

Women play a leading role in food production. Their proportion of the workforce engaged in agriculture and in activities following the harvest varies between 20 and 70%, and is in an upward trend in many developing countries. Practical know-how of agriculture does not lie with the dominant men, but with working women. Anyone who wishes to understand how agriculture operates in small-scale farms in Africa and other developing regions and how it could be improved, needs to ask the women.

Ecological farming, be it permaculture, near-natural, organic (particularly ‘Bio 3.0’ as supported by IFOAM), bio-dynamic, is not a luxury for the rich, but a survival prerequisite for all. Only by adopting this approach will we manage to bring food production back on to a sustainable course and permanently safeguard it. Particularly in relation to climate change, a complete turnaround in global agriculture embracing ecological farming is fundamentally important. It makes food production more robust and more resilient, and above all it protects it from the negative effects of global warming. At the same time, ecological farming can effectively contribute to limiting climate change because CO₂ is neutral and also binds CO₂ in the soil.

AGRICULTURAL ECOLOGY IS THE SOLUTION FOR OUR FUTURE

In industrialised countries a complete turnaround in the whole of agriculture to organic would therefore lead to a slight, temporary fall in production, but that could be overcome, for the simple reason that today over 40% of food is wasted.

In small-scale farming in developing countries on the other hand – where an increase of production is needed – the potential for this is also enormous, by using ecological methods. A study, completed in Africa on behalf of the United Nations Conference on Trade and Development UNCTAD and the United Nations Food and Agriculture Organisation incorporating 1,9 million hectares of organic footprint and 2 million small-scale farmers, showed that effective organic farming practices produce on average more than twice as much income as traditional subsistence farming.

A long-term system comparison co-financed by the foundation Biovision, which the Swiss research institute for organic farming (FiBL) is completing together with local partners in Kenya, shows that organic farming also provides small-scale farmers with a higher income. In Kenya 60 small-scale operations are involved in the project. Thanks to low production costs and higher prices on the market, as from the fifth year organic cultivation returns more profit than conventional intensive farming systems. After six years the financial revenue is as much as 53% higher in total. Parallel long-term studies completed by the FiBL on the production of cotton in India, or coffee in Bolivia, show similar positive results in favour of organic methods.

One central principle of a newly oriented agriculture policy is multi-functionality. Farmers not only produce food, they are also providing a public service in the areas of climate protection, water protection, biodiversity or countryside planning.

Knowledge is the only resource which grows if you share it with others. And it must grow. The findings, and new methods which generate agricultural research, also need to reach the people. Effective training of farmers and intensive exchange of information is what is needed, also embracing the new information and communication technologies. The transfer of knowledge should not be a one-way street in this process. It is important to ensure that traditional and local knowledge, which can also be used for innovations, find its way into agricultural research. New partnerships between farmers, researchers and agricultural engineers can secure this for the benefit of all.

More about my visions for a global change of course in agriculture and in the food production system can be read in my book “So ernähren wir die Welt” [English: ‘How to Nourish the World’] (publishing house Ruffer & Rub)

In favour of a radical change in agriculture

By Raymond Gétaz, Longo Maï Cooperative, Switzerland

The International Assessment of Agricultural Knowledge, Science and Technology for Development IAASTD¹, which was commissioned by the World Bank and the UN and published in 2008 calls for a radical turnaround in agricultural policy. 400 experts, who had been appointed by the governments of 60 countries, had worked on it for four years. When the draft version of the report was presented to Monsanto, Syngenta and BASF, these corporations withdrew from the project on the grounds that they were concerned about the direction being given to the project and about the fact that its contribution would not be appropriately taken into account. The objective of the report was to reduce hunger and poverty; to improve nutrition, health and agricultural livelihoods; to promote social longevity and to evaluate what the risk and solutions might be for humanity up to 2050 – in other words objectives which these corporations always given a prominent position to in their propaganda.

A CATASTROPHIC AGRICULTURAL MODEL

The agricultural model, which is extolled by Monsanto, is based on single-crop farming involving huge consumption of fertilizer, pesticides and energy. In addition, it has a seriously detrimental effect on the basic resources needed for food production, whether this relates to soil, water, biodiversity, micro-organisms in the soil or wildlife. The IAASTD report, on the other hand, underlines the fact that this agricultural model no longer meets our current requirements: It is all the more necessary to promote small-scale farming and ecological methods of cultivation, which are adapted to social and environmental conditions and to regional specialist knowledge.

The rapid industrialisation of farming over the last few decades has claimed many victims amongst farmers. Millions have had to leave their country due to the deterioration in economic conditions or because they were driven out as a result of the take-over of land by corporations, states or large landowners. Industrial agriculture often takes over soil which previously served to support cultivation for self-sufficiency. Most people who are threatened by hunger come from rural regions, have had their soil robbed or no longer have enough land to survive.



ANTI-SYNGENTA DEMONSTRATION: RAYMOND GÉTAZ

¹ International Assessment of Agricultural Knowledge, Science and Technology for Development

GLOBAL RESISTANCE BY FARMERS

To be able to better defend themselves, numerous farmers' movements joined the organisation "La Via Campesina" in 1993, which today incorporates more than 200 million people. To combat the industrialisation of agriculture and the systematic violation of farmers' rights, on the occasion of the World Food Summit in 1996 in Rome, "Via Campesina" devised the idea of "food sovereignty". This led to the founding of a broad movement which is supported by a wide range of social strata. These include communities of disadvantaged city dwellers, environmental associations, consumer groups, women's organisations, traditional fishermen and animal breeders, and many others. In the meantime, the significance of food sovereignty is being recognised by various institutions and governments.

WHAT DOES FOOD SOVEREIGNTY MEAN?

The notion of food sovereignty defines the right of the population of a country or region to healthy and culturally adapted food, and the right to determine agricultural and consumer policy itself without practising price dumping towards other countries.



It is based on a supply system and an agricultural policy which is not compatible with the demands of the market or of multinational corporations, but with the aspirations, needs and livelihoods of food producers and their customers.

A PEOPLE'S INITIATIVE IN SWITZERLAND

In Switzerland the farmers' union "Uniterre" has adopted the concept. With its people's initiative "Supporting food sovereignty, agriculture affects us all" Uniterre would like to implement food sovereignty in Switzerland. For many years Uniterre has organized lectures and meetings to spark a shared discussion between people from the city and the country: What might the concept of food sovereignty look like in Switzerland? What concrete steps are needed?

The result of these discussions led to the proposal supporting a different agriculture policy diametrically opposed to the traditional one. One of the basic principles of this approach is the protection and effective use of local and regional resources and capabilities. For this it needs more people in farming and food production. Amongst other things, it requires fair prices, equitable wages, a market with greater transparency, reinforcement of shorter cycles and more equitable international trade.



Common seed of an old variety of cereal on one hectare of land.
Enough for 2000 kg of farmhouse bread

There are well-known figures in the initiative's committee, such as Jean Ziegler and Hans-Rudolf Herren. In Kenya it demonstrated that in the long term traditional, complementary crops can produce higher yields overall than the current GMO crops. Jean Ziegler, former UN Special Rapporteur on the right to food, described the deaths of 37,000 people a day due to a lack of food as a "crime against humanity". He denounces the speculation of the stock market over food, the large-scale expropriation of land by corporations, states and producers of agrofuels in poor countries, and speculation over agricultural soil.

A NECESSARY CHANGE IN DIRECTION

The people's initiative "Food sovereignty, agriculture affects us all" received more than 130,000 signatures within 18 months, which were delivered to the Federal Chancellor in Bern. In February 2017 the Federal Government rejected the initiative without any counter-proposal. The parliament now has to take a position on the initiative before it is presented at the ballot box to all Swiss voters. Irrespective of the result of the vote, which could take place in 2018 or 2019, a turnaround in agricultural practices is critical to safeguarding the production of food for future generations. The harm which is caused globally by the industrialisation of agriculture is well-documented. It urgently needs a change of direction, away from this system, which has got out of control. The concept of food sovereignty, which adopts many of the proposals in the report of the IAASTD, provides an important push in the right direction.

The corporate responsibility initiative

WWW.PUBLICEYE.CH

The corporate responsibility initiative in Switzerland was submitted in autumn 2016 with 120,000 valid signatures. It thus results in a referendum. The initiative requires that companies mandatorily integrate the protection of human rights and of the environment into all of their business processes. This so-called duty of due diligence also applies to the foreign activities of Swiss companies.

BINDING DUTY OF DUE DILIGENCE

The UN principles on business and human rights already demand due diligence: a company is required to find out whether it is infringing human rights or is involved in any such violations. If it is, it is required to take countermeasures, and as a third step it is obliged to transparently report on the violated rights and the measures taken. In relation to the highway code, children learn the saying at an early stage "stop, look and listen". A similar clear rule of three should be made self-evident for companies in the future: Check the environment and human rights risks, act, report on it.

All this is already laid down in international humanitarian law, in the so-called “soft international humanitarian law”, but there are no effective levers for its implementation. The UN expressly leaves this to its member States. The corporate responsibility initiative implements this duty into Swiss law, makes the due diligence enshrined in international humanitarian law binding and also includes protection of the environment.

IMPLEMENTATION VIA A LIABILITY MECHANISM

How can the implementation of the duty of due diligence be guaranteed in Switzerland after adopting the initiative? In the future, it is also intended that companies be liable for the misdemeanours of their subsidiaries and companies controlled by them abroad. As a result, victims of human rights violations or environmental destruction by Swiss companies in Switzerland will be able to claim for redress. In the future, anyone acting irresponsibly in spite of the legal duty of due diligence will have to account for him- or herself before a court of law. The initiative can also be implemented without unwieldy state bureaucracy.

A company will be treated fairly if/on the condition that it can honestly demonstrate that it has exercised due diligence prudently and comprehensively and has taken and implemented all necessary measures, it can be exonerated of liability. The initiative also operates preventively: companies are given an effective incentive to do the right thing.

WHO IS AFFECTED?

Many Swiss companies already make great efforts today to exercise responsible business practices abroad. In addition, some are committed to the UN guiding principles. But there are also regular incidents in which companies do not even assume minimal responsibility. That’s why a generally valid basis for a minimum standard in human rights is required below which no company can be allowed to operate. This will ensure that, in the future, “Swiss Quality” will also stand for global, ethical, flawless and sustainable economies.

MORE INFORMATION:

WWW.KONZERN-INITIATIVE.CH





Seeds for all

Producing one's own seed is a first step along the way towards food production autonomy and an important contribution to conserving crop biodiversity. The documentary film "Seed is common property – a guide for a seed nursery", which was produced by Longo Mai, is intended to support seed initiatives world-wide and to make basic botanical knowledge easy to understand as a prerequisite for seed propagation. It is intended for everyone who wants to learn how to propagate seed from vegetables, and communicates an understanding of how to develop plants, from seed to seed, for floral biology and its fertilisation.

Four DVDs show the various approaches and methods which are used for growing, harvesting, sorting and storing seed. The seed nursery for 32 different varieties of vegetables is explained step by step in individual short films. The inception and production of the film was overseen and supported by the EGF. After three years of work the first version could be presented in German, French and English in 2015. In 2017 a version in Spanish (Latin American) and Portuguese (Brazilian) will be coming out.

1. Edition in German, English, French
2. Edition in Spanish, Portuguese, English; in each case a box containing 4 DVDs, running time 436 min.

Price: 58 CHF incl. shipping, 50 euros to Europe, 50 dollars to USA and Canada.

The price has not yet been set for Latin America. It will, however, be adapted depending on the situation.

Orders

Pro Longomai, St. Johannisvorstadt 13, CH-4001 Basel

Tel. ++41 262 01 11

E-mail: info@prolongomai.ch

www.seedfilm.org

For any further information and with the option of watching two modules of the films.



MATHIEU ASSELIN

Terms of Reference

1. Did the firm Monsanto violate, by its activities, the right to a safe, clean, healthy and sustainable environment, as recognized in international human rights law (Res. 25/21 of the Human Rights Council, of 15 April 2014), taking into account the responsibilities imposed on corporations by the Guiding Principles on Business and Human Rights, as endorsed by the Human Rights Council in Resolution 17/4 of 16 June 2011?

2. Did the firm Monsanto violate, by its activities, the right to food, as recognized in Article 11 of the International Covenant on Economic, Social and Cultural Rights, in Articles 24.2(c) and (e) and 27.3 of the Convention on the Rights of the Child, and in Articles 25(f) and 28.1 of the Convention on the Elimination of All Forms of Discrimination against Women, taking into account the responsibilities imposed on corporations by the Guiding Principles on Business and Human Rights, as endorsed by the Human Rights Council in Resolution 17/4 of 16 June 2011?

3. Did the firm Monsanto violate, by its activities, the right to the highest attainable standard of health, as recognized in Article 12 of the International Covenant on Economic, Social and Cultural Rights, or the right of child to the enjoyment of the highest attainable standard of health, as recognized by Article 24 of the Convention on the Rights of the Child, taking into account the responsibilities imposed on corporations by the Guiding Principles on Business and Human Rights, as endorsed by the Human Rights Council in Resolution 17/4 of 16 June 2011?

4. Did the firm Monsanto violate the freedom indispensable for scientific research, as guaranteed by Article 15(3) of the International Covenant on Economic, Social and Cultural Rights, as well as the freedoms of thought and expression guaranteed in Article 19 of the International Covenant on Civil and Political Rights, taking into account the responsibilities imposed on corporations by the Guiding Principles on Business and Human Rights, as endorsed by the Human Rights Council in Resolution 17/4 of 16 June 2011?

5. Is the firm Monsanto complicit in the commission of a war crime, as defined in Article 8(2) of the Statute of the International Criminal Court, by providing materials to the United States Army in the context of operation “Ranch Hand” launched in Viet Nam in 1962?

6. Could the past and present activities of Monsanto constitute a crime of ecocide, understood as causing serious damage or destroying the environment, so as to significantly and durably alter the global commons or ecosystem services upon which certain human groups rely?

The process and the realization

An important task of the Monsanto Tribunal was collecting testimonies and information relevant to the legal issues under consideration. Olivier De Schutter, Professor of Law at the University of Leuven (BE), worked with approximately 40 students to review the files of victim who shared their stories, and to identify Monsanto's potential violations of international criminal and human rights law. They prepared legal briefs that the plaintiffs and their lawyers used during the Tribunal.

The Tribunal was set up as a consultative legal procedure, following the “Guiding Principles on Business and Human Rights” adopted by the UN in 2011, and using the procedures of the International Court of Justice.

Lawyers prepared and submitted arguments for the Tribunal and appeared in person before the judges, and victims who spoke at the hearing also submitted documents to the judges for consideration.

The Monsanto company was invited to participate in the Tribunal; the firm would have had the opportunity to respond to the allegations raised, to question the legal characterization of its conduct, as well as to challenge the claims of the alleged victims submit arguments. Monsanto, however, did not respond to the invitation to join, and choose not to be present. A spokesperson for the company wrote an open letter, which was published few days before the Tribunal. This letter was placed in the file for consideration by the panel of judges.

Monsanto in a nutshell

Legal Status: Public Limited Company.

Head Office: St-Louis, Missouri, USA.

Head office for Europe and the Middle-East: Morges, Switzerland.

In 2013, the U.S. Supreme Court prohibited both farmers and competitors from replicating Monsanto technologies. Monsanto holds 30% of the global GMO market.

Director General: Hugh Grant, 59 years old, 36 years with Monsanto.

Executive pay in 2015: \$12 million

MONSANTO, A 116 YEAR OLD COMPANY

Monsanto was founded in 1901 by John Francis Queeny, who named the company after his wife. Between 1901 and the 1970's, Monsanto went from producing saccharine, aspirin, detergents, soaps, plastics, to participating in uranium research in the context of The Manhattan Project (marking the development of the atomic bomb from 1942), to entering, and later dominating, herbicide and insecticide markets.

Monsanto established its agricultural division in 1960. From 1962 to 1973, Monsanto's herbicide, Agent Orange, was used in the Vietnam War. In 1975, Roundup came on the market, and was the first glyphosate herbicide. In 1982, Monsanto began to genetically modify plants, and by 1996, Monsanto launched "Roundup Ready" plants that were tolerant to their own Roundup herbicide. Starting in 1997, the enterprise acquired various smaller seed companies. At the end of the 1990's, Monsanto had become a biotechnology company in its own right. In 2000, the group merged with Pharmacia and became its agricultural subsidiary, before parting with them in 2002 and becoming the Monsanto Company as it is known today, specialized in the agro-industry. Since then, it has become the world-leading seed and biotechnology firm, merging with and acquiring more companies over the last fifteen years.

AGRIBUSINESS CONSOLIDATION

According to the latest figures published in their annual reports for 2015 and 2016, Monsanto:

- **Employees:** 22,500, in 66 countries (2015)
- **Sales:** \$15 billion in 2015, \$13.5 billion in 2016 (down net income of \$2.3 billion in 2015, down \$1.34 billion in 2016.)
- **Patents and Licenses:** 1,700.

The agribusiness sector, depressed by falling commodity prices, is in full concentration. Monsanto, whose sales and net profit were down in 2015 (something that had not happened since 2010) and 2016, was at the heart of public movements and rumours of buyouts. In 2016, the German chemical and pharmaceutical giant, Bayer (which weighs 80 billion euros) offered 59 billion euros to buy Monsanto, the largest acquisition in its history.

In 2015, ChemChina, a Chinese state-owned firm, offered 43 billion dollars to acquire Swiss-based Syngenta, which Monsanto coveted in 2014. Competition regulators are working on the transaction. In addition, two other mega-firms, American DuPont and Dow Chemical, are in the process of merging. These three giants now control over 60% of the world seed market, and 75% of fertilizer and pesticide sales.

MARINE RABREU: « QUI EST MONSANTO, CE GÉANT AMÉRICAIN AUSSI PUISSANT QUE DÉCRIÉ », LE SCAN ECO, WWW.LEFIGARO.FR, PUBLISHED ON 21.5.2016, UPDATED BY THE AUTHOR ON 14.9.2016 AND BY THE FCE ON 27.7.2017.

The Bayer-Monsanto merger

A MARRIAGE BETWEEN FORMER ACCOMPLICES

René Lehnherr, Organising committee

In 2016, the German chemical industry Bayer announced its intention to take over Monsanto for 66 billion dollars.

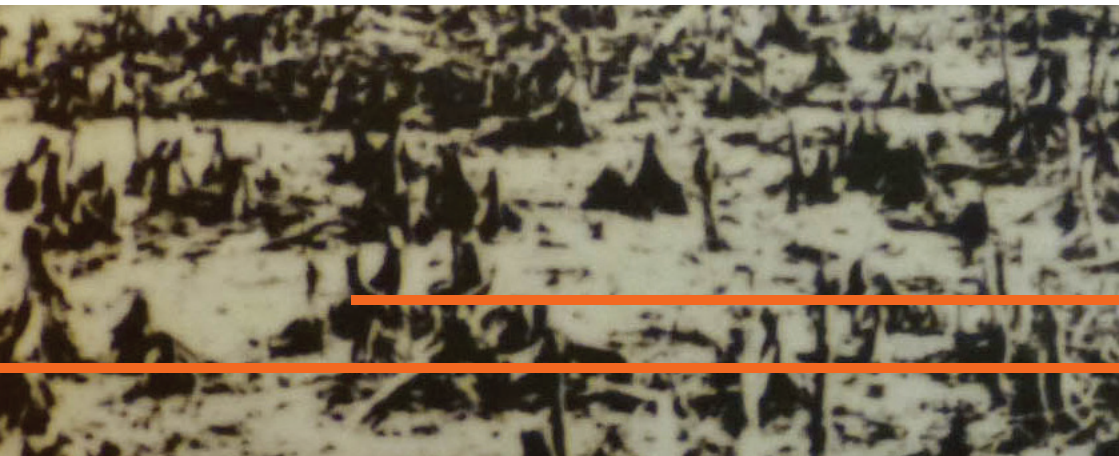
JOINT VENTURE AND AGENT ORANGE

In 1954, on Bayer's initiative, the joint venture company MOBAY was founded with Monsanto. An antitrust procedure allowed Monsanto to sell its shares to Bayer, allowing MOBAY to become a wholly owned subsidiary of Bayer. MOBAY was specialized in insecticide production.

But the firm also participated in the development and production of Agent Orange, an herbicide used during the Vietnam War. This fact is still disputed today by Bayer.

A RESPONSABILITY

Monsanto's merger with Bayer means a new concentration in the seed and herbicide market. It could also be an attempt to remove Monsanto's unloved name from the collective memory and make it impossible for anyone to claim damages. Monsanto has been involved in numerous industrial accidents and public health scandals.

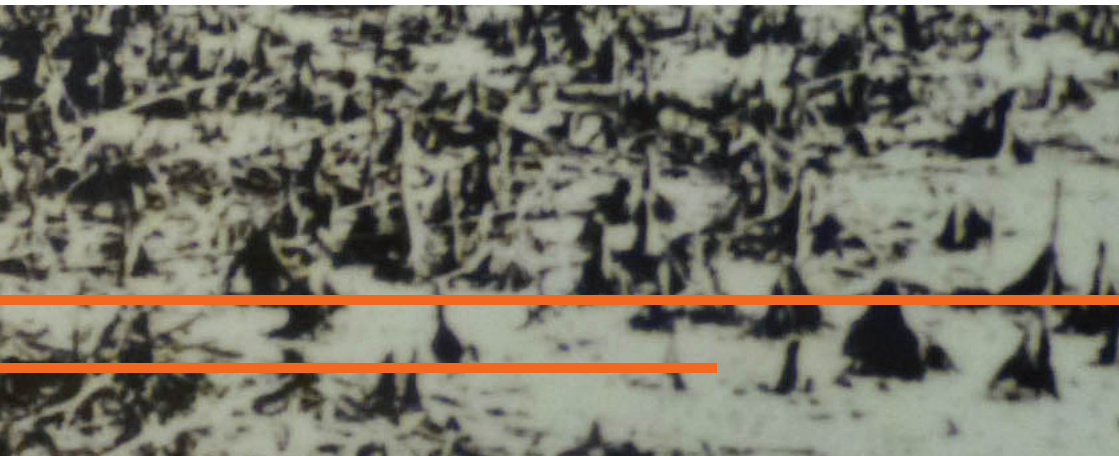


The idea for a merger arose in 1984, just at the time of the toxic gas disaster of Bhopal in India, where a thousand people had died and hundreds of thousands were seriously injured. The change in ownership resulting from the merger of Union Carbide with Dow Chemical raised the issue of responsibilities that were not clearly defined. However, none of the companies present were accountable. To date, the victims and their families have not received any compensation.

A CLOSED-DOOR MERGER

Even if Bayer's CEO, Werner Baumann, does not hesitate to praise Monsanto as the preferred employer of the United States, he wonders if large pre-sighted shareholders could not have another assessment of the situation and refuse to follow him in the merger. That is why he had to impose himself through a putsch inside the multinational.

Indeed, there are more than thirty antitrust commissions (competitions offices) in the world which are supposed to give the green light for mergers, but experience has shown that, in general, they cast doubts on less than one percent of mergers. The International Monsanto Tribunal Foundation sent a letter with their findings to all commissions warning them against the merger. Because of the scale and concentration, Bayer and Monsanto may be forced to eliminate one or the other branch, but CEO Baumann is confident that the case will be settled by the end of 2017.



An invitation for Monsanto

Extract from a press release of the Monsanto Tribunal dated July 26, 2016

The organizers of the International Tribunal against Monsanto officially invited the American multinational to participate in the sessions of the civil society-organized “Opinion Tribunal” that took place in The Hague on 15 and 16 October 2016. The letter, registered in Amsterdam, was rejected.

A POSITION, BUT NO RESPONSE

On the 11 of October, 2016, Monsanto published on its website a position paper in which a spokesperson for the multinational discussed the “mock trial” while highlighting its effort for sustainable agriculture and global food security. The multinational was forced to take a position even before the hearings on 15 and 16 October. In reaction to the judges’ expert opinions of April 2017, Monsanto repeated almost word for word its first position.



Stichting/Foundation Monsanto Tribunal

Marnixkade 111 H

NL-1015 ZL Amsterdam

Pays Bas

juris@monsanto-tribunal.org

Mr Hugh Grant
Chairman and CEO
Monsanto Company
800 North Lindbergh Blvd.
St. Louis, Missouri 63167
U.S.A.

The Hague, June 6th, 2016

Dear Mr Grant,

As you are aware, the Foundation Stichting Monsanto Tribunal was created in order to establish the International Monsanto Tribunal, an initiative of civil society groups that intends to allow for an open deliberation on the company's policies and their impacts.

The Foundation intends to convene the Tribunal in The Hague between 14 and 16 October 2016.

The Tribunal shall be asked to deliver an Advisory Opinion addressing six questions: the terms of reference, which identify these questions, are attached to this letter.

The result of an initiative of global civil society, the Tribunal is of course of symbolic value: it shall have no investigative powers; and its opinion is of a purely advisory nature. However, the members of the Tribunal shall deliver an opinion based exclusively on legal considerations, grounded in international human rights law and international humanitarian law; and they shall act in complete independence.

The Tribunal will be adopting its views on the basis of the principles described in Chapter IV of the Statute of the International Court of Justice, which describes the competence of the Court to deliver advisory opinions. It may also seek inspiration from Title IV of the Rules of the International Court of Justice, as regards procedural matters.

The Tribunal shall be presented with a number of written observations concerning the questions it has been submitted: teams of lawyers are already preparing these briefs. During the hearing, it shall hear testimonies from victims of Monsanto's conduct, as well as legal opinions presented by experts tasked with informing the Court about the legal issues involved in the questions it is presented.

The Foundation Stichting Monsanto Tribunal believes it to be of the highest importance that Monsanto itself is given ample opportunity to present its views to the Tribunal, in order to ensure that the Tribunal is fully informed and equipped to provide an assessment that is based on the fullest range of information possible.

We share this view.

We would therefore strongly encourage Monsanto to submit a written brief to the Tribunal, before the deadline of October 1st, 2016.

Moreover, Monsanto is invited to be represented at the hearings that the Tribunal shall hold on 15 and 16 October 2016 in The Hague. Please let us know by October 1st if you would like to make use of this opportunity.

Of course, we remain at your disposal to provide you with any further information you may require on the nature of this initiative and the conditions under which the Tribunal shall be operating.

We look forward to your answer.

Sincerely,

Françoise Tulkens, former vice-president of the European Court of Human Rights

A handwritten signature in blue ink, consisting of a stylized 'F' and 'T' followed by a horizontal line.

Dior Fall Sow, former Advocate General of the International Criminal Tribunal for Rwanda

A handwritten signature in purple ink, featuring a stylized 'D' and 'S' with a horizontal line.

Annex: Terms of reference of the International Monsanto Tribunal

Pour it in...and pour it on, Big Fellow!

Up where Arctic chill almost freezes the marrow in a polar bear's bones... American-made machines of war have a job to do in "pouring it on" the enemy.

General Sherman tanks, landing barges, Flying Fortresses, Liberators, busy jeeps, and just ordinary army trucks—all have motors and gears needing lubricants that *flow*, no matter how low the temperature.

Here Santopour serves at war as it has served millions of motorists in peacetime. This "pour point depressant," a product of Monsanto Chemistry, lowers the pour point of wax-bearing oils as much as 40° F.

Suitable oil with which Santopour has been blended at the refinery will flow readily at 20° *below* zero. Without Santopour, the same oil may not pump and circulate at 20° *above* zero! Lubricants can be "tailored" to flow in almost any degree of cold by the addition of 1% or less of Santopour.

With such "tailored" lubricants, quick-flowing oil reaches moving parts instantly, as motors roar in the take-off! Hypoid lubricants get into action *fast*... avoid excessive wear on hard-to-replace gears.

Thus, Santopour, developed first for the cars of peace, now serves the machines of war as well. And from this experience in war's grim testing ground, *still further improvements* are being made in Santopour... so that in the victorious peace to come it will serve you better in that new car you'll get with the War Bonds you're buying now! MONSANTO CHEMICAL COMPANY, St. Louis, Missouri.



Photo by U. S. Army Signal Corps



"E" FOR EXCELLENCE—The Army-Navy "E" badge, representing recognition by the Army and the Navy of especially meritorious production of war materials, has been awarded to Monsanto and replaces the Navy "E" first awarded Monsanto December 31, 1941.



Stichting/Foundation Monsanto Tribunal

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Mr.

Werner Baumann

Chairman of the Board of Bayer AG

Kaiser-Wilhelm-Allee

Amsterdam, June 8th, 2016

Bayer AG wants to take over Monsanto, the world's most notorious seed and agrochemical company.

Open letter to the Chairman of the Board of BAYER, Werner Baumann

Dear Mr. Baumann,

In the last issue of FAZ-Sunday you were quoted as saying, “We are aware of Monsanto’s reputation,” and “As I talk to our investors in order to convince them of our venture there will also be an offer for talks to environmental activists and other NGOs.”

As an organization concerned about the possibility and implications of Bayer AG’s bid to take over the Monsanto Corporate Group, we appreciate this invitation for an open dialogue. We would therefore like to ask the following questions of you:

1. Will Bayer AG correct the ongoing damage and long-standing legacy of pollution created by Monsanto after the take over?
2. Is there a danger that Monsanto is trying to evade the range of allegations and lawsuits brought against it, especially the International Monsanto Tribunal in The Hague next October, by being sold? Consequently, might the company have a great interest in changing its name?
3. Could there be a kind of complicity between Bayer AG and the Monsanto Corporate Group in troubled times? We know that there was a joint venture between the two companies in the 1950s and 60s to develop *Agent Orange*?
4. As indicated in the press, the planned merger of Bayer AG and the Monsanto Corporate Group will be very profitable for Monsanto’s management. Will there be similar profits for Bayer AG’s management?
5. Could the real reason for the merger be to bypass TTIP negotiations - which are stalled for the moment - and so be able to sell controversial Monsanto products through the backdoor on the European market?
6. Will Bayer AG continue to undertake research and production in all of Monsanto’s main sectors (including pesticides herbicides and gene technology)? And will Bayer AG continue to use the justification that these products are necessary to save humanity from food insecurity and climate change?



SANTOBANE

Effective in accepted formulations of DDT livestock sprays, Santobane*—Monsanto's DDT—is equally outstanding in the broad field of approved insecticidal applications . . . Santobane is a product of unusual merit, adaptable to both liquid and dust formulations.

Experimental samples and technical information will be furnished on request. Write: MONSANTO CHEMICAL COMPANY, Organic Chemicals Division, 1700 South Second Street, St. Louis 4, Missouri.

*Reg. U.S. Pat. Off.



The European Civic Forum

We are an international network of people in solidarity who aspire to and actively engage in more justice and peace in the world.

We volunteer informally where too many people look the other way. Through our networking with other emancipatory initiatives, we are striving to gather energies to take a step forward towards the utopia of a more just and peaceful world.

Support for self-organization for people in need, public relations and the financing of startup grants for committed youth groups are the strong points of our activity.

THE IMPORTANT POINTS

- Commitment against modern slavery in industrial agriculture,
- Cross-border solidarity with migrants and exiles
- Creation of reception and counselling centres for undocumented migrants
- Solidarity on the spot with the victims of looting in southern countries
- Commitment to biodiversity, the common heritage of seeds, and the conservation of our livelihoods
- Defence of victims of state arbitrariness and nationalist violence
- Launching and networking of peace initiatives

HISTORY AND NEW CHALLENGES

The European Civic Forum (ECF) was created in 1989, shortly after the fall of the Berlin Wall. The initiative came from committed people¹ in both Western and Eastern Europe. In order not to leave the opening of Eastern Europe only to economic interests, major international institutions and governments, we set ourselves the main objective of establishing direct contacts between people from East and West, without however forgetting the southern hemisphere: friendships and many projects were then born, especially in Ukraine, Romania and East Germany, but also in the South. During the war in Yugoslavia, we set up an alternative network of independent journalists (AIM) between the former republics, in order to fight against war madness and fanatical nationalism.

¹ The main initiators were already active in the European Committee for the Defence of Refugees and Immigrants (E.E.D.R.I.), the Free Radio Movement (FERL) or the European Longo Mai Cooperative.

With the unbridled globalization of the economy, global crises and wars, new challenges, which are reflected in the current activities of the CFE, are coming up. The important points have sometimes changed, but the way new projects are approached has remained the same: on an egalitarian basis, thinking and acting across borders.

European Civic Forum !
Basel, September 2017

Archipel

Monthly journal of European Civic Forum

Since September 1993, Archipel has been published eleven times a year in German and French, with a circulation of around 5,000 copies. It is partly distributed by subscription in Germany, Austria, France and especially in Switzerland. In addition, Archipel is sent free of charge to FCE contacts in Eastern Europe, Africa, Asia and Latin America who cannot afford a subscription. Archipel informs about the activities of the FCE, other groups or individuals, presents reports on current political events, but also reflections on history and philosophy.

Annual subscription: 60 CHF/ 40 EUR



YOU CAN FIND ARCHIPEL ARCHIVES UNDER
WWW.FORUMCIVIQUE.ORG

Monsanto, a photographic investigation



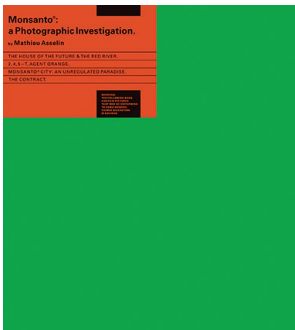
MATHIEUASSELIN.COM

Polluted areas, chronic illnesses, childhood illnesses and internal documents that serve to silence employees. The themes addressed in Mathieu Asselin's work are neither light nor pleasant. The artist's photographs give us a glimpse of the past and present horror of multinational chemical and plastic companies.

The Actes Sud edition, a 156-page book, is the result of a five-year photographic project. Through these well-documented texts, openness is also an exhortation to committed art.

For this work, Mathieu Asselin received the Dummy Award at the Kassel Photographic Book Festival. In 2017, the artist presented his photographs at the "Rencontres de la photographie" in Arles. He is not the first photographer to denounce the practices of companies like Monsanto, but he is the first to tell a complete story.

The editorial staff thanks Mathieu for the gracious provision of his photographs and illustrations which he used for his exhibition!



MATHIEU ASSELIN
"MONSANTO, A PHOTOGRAPHIC INVESTIGATION" ACTS SOUTH, 2017
ENGLISH / FRENCH ISBN: 978-3-86206-657-5
156 PAPERBACK PAGES

“And today, rather than an electoral democracy made with the people, by the people, for the people, we have an electoral democracy of firms, for firms, by firms. We must therefore recover our ability to shape our freedom, to make collective decisions for the good of the planet, for our own good and that of future generations.”

Vandana Shiva

“The correlation between increased pesticide use and the development of cancers, birth defects and miscarriages. Suicides and ruins where farmers have been forced to use GM seeds. Dead land. Media hurricane and loss of their jobs for scientists who had the audacity to oppose Multinational... The testimonies I heard in The Hague is overwhelming and leaves no doubt.”

Michel Bühler

“My song Seeds of freedom is dedicated to the struggle for free seeds and against Monsanto, Bayer and destructive agriculture. This type of agriculture destroys farmers' systems and violates their rights to seeds, land and natural resources. There is another way. Millions of people are fighting for another world.”

Manu Chao

“The Monsanto Tribunal will leave a mark in the history of humanity's struggle to neutralize the predation of multinationals who take over the Earth, our common good. It was an honour to attend and to hear these brave men and women from all over testify to their struggle for justice.”

Catherine Morand

civique
forum.org



European Civic Forum and International Monsanto Tribunal