Monsanto Tribunal and People’s Assembly

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REPORT

by

Navdanya international

Abstract

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Over the last century, giant agribusiness interests which came out of the war industry have poisoned life, our ecosystems, destroyed our biodiversity and pushed farmers off the land. As these corporations become bigger, they gain more power, more immunity and more rights. Using free-trade neoliberal policies and deregulation of commerce to enlarge their empires, these corporations are attacking life on earth and biodiversity. They have broadened their control over our seed, our food and freedom, robbing us of our human rights and democracy. They have established monopolies and threatened farmers’ rights to seed and people’s rights to affordable medicine through patents and IPRs. Monsanto has emerged as the biggest destructive force in agriculture over the last 20 years using GMO myths, patents, free trade and toxics to monopolise our seeds and poison our food. The Monsanto Tribunal and People’s Assembly took place in The Hague between the 14th and 16th of October 2016 to hold Monsanto and co. accountable for their crimes against humanity, human rights violations and ecocide.

The process of holding the Poison Cartel accountable for its crimes is the culmination of 30 years of scientific, legal, social and political work by movements, concerned citizens and scientists. As Vandana Shiva pointed out in her Call To Action 2016, we face social, economic, and ecological collapse in every corner of our world. Big Industrial Agriculture is a major contributor to this collapse. While having destroyed 75% of our soil, water, and biodiversity, and contributed to 50% of climate change, this model, that has its roots in war, produces only 30% food. The real food producers are our pollinators, soil organisms, and biodiversity and small farmers who – as co-creators and co-producers with nature – provide 70% of the food which is nourishing for the planet and people. In the last century, today’s big agribusiness corporations with roots in war have poisoned millions of people, destroyed biodiversity, pushed small farmers off their land, and attempted to take over every aspect of our life.

The entire industrialisation of food, agriculture and life is based on the false claim of feeding the world, when the reality is that an agriculture that has been shaped by the war industry is at the root of the hunger and malnutrition in the world. Equally erroneous are the claims that industrialised agriculture produces higher yields and reduces the use of pesticides when reality has shown that the opposite is true. In 2009, the wide-based United Nations and World Bank IAASTD report asserted that chemical-intensive industrial agriculture has degraded the natural resource base on which human survival depends and now threatens water, energy and climate security. Continued reliance on simplistic and often expensive technological fixes—including transgenic crops—is not a solution to reducing persistent hunger and poverty and could exacerbate
environmental problems and worsen social inequity. Technologies such as high-yielding crop varieties, agrochemicals and mechanization have primarily benefited transnational corporations and the wealthy, rather than the poor and hungry of the world’.

Using free trade neoliberal policies and deregulation of commerce to enlarge their empires, these corporations are not only attacking life on earth and biodiversity, they are also attacking our democratically written laws and democratically shaped policies made in the public and national interest. They have broadened their control over our seed, our food and freedom, robbing us of our human rights and democracy. They have established monopolies and threatened farmers’ rights to seed and people’s rights to affordable medicine through patents and IPRs.

Corporations like Monsanto, Bayer, Dow, Dupont, Syngenta, all have their roots in warfare and through free-trade neoliberal policies and deregulation of commerce, they enlarge their empire with mega buyouts. Such is the case with the most recent bid by Bayer to buy Monsanto for 62 billion Euros, facilitated by the European Central Bank. This in effect means public money being used to strengthen the monopoly of destroyers of life and people’s rights. These hallowed corporations of today, that have been tried and tested for crimes against humanity in the post war years, continue to use the same poisons that kill, but under the guise of being saviors of humanity.

As Earth Citizens, we have a duty to protect the earth and we have a right to protect our lives and those of future generations. And even while we try them for their crimes we must celebrate life on earth and our capacity to work with the earth as co-creators. While looking at how the WTO and Free trade policies introduced patents on seed and promoted the GMO invasion, we will also look at the new free trade agreements like TTIP and TPP. Through the experience of ecocide and genocide of the last century, we also chart the road of our future based on Seed Freedom and Food Freedom, agro-ecology and farmers’ rights, our commons and economies of sharing, rights of nature and earth democracy.

The Tribunal aimed to synthesize the existing crimes and violations for which Monsanto+Bayer are in courts across the world - in India, Europe, the US, Mexico, Argentina - as well as to expand the scope of criminal activity to include the crime of ecocide, the violation of the rights of nature, as Vandana Shiva explained in the columns of Common Dreams. Alongside the Tribunal, which aims to investigate crimes of the Poison Cartel, People’s Assemblies are being self-organized by local communities throughout the world to establish a worldwide network in order to create a healthy future of food and of the planet. The People’s Assembly website gathered information about the assemblies from across the world with a special focus on the Assembly in The Hague, a gathering of movements, seed savers, seed defenders, farmers and growers and civilians to
address the crimes against nature and against humanity perpetrated by chemical and biotechnology corporations. The Monsanto Tribunal and People’s Assembly, supported by almost 1000 organisations worldwide, attracted attention from media worldwide, not only for their capacity to investigate the main topic related to the impact of industrial agriculture on people’s life, but also to establish links with very urgent topics such as free trade agreements, corporate lobbying, and democratic processes, among others.

In the course of the year, Navdanya mobilised movements and organisations throughout the world to participate at the Monsanto Tribunal and People's Assembly; they were also invited to organise local People's Assemblies everywhere to reclaim our food system. A Call to Action to end dictatorship over seeds, over life, over our food. As part of the Tribunal build-up actions, people and organisations from all over the world attended the 16th Seed Festival at Peliti, Greece which represented a unique opportunity to build connections and strengthen the movement to shape Food Systems that produce more food, better food, more livelihoods, more meaningful work, more democracy, more freedom. In India, civil society and Gandhians from all over the country gathered to stand against the poison makers that are pumping India with disease and death. Indian farmers called for 'Monsanto Quit India' and demanded that the government not only regulate prices of Bt cotton seed but also ban Bt cotton entirely. Dr Vandana Shiva wrote to the Indian Prime Minister Narendra Modi to take cognizance of the violations of Indian Intellectual Property Rights (IPR) laws and of the Competition Act (Anti-trust and monopoly Act) by Monsanto, further demanding that Monsanto be banned from India. Many initiatives like those in Greece and in India took place in different countries throughout this year to join forces and collectively defend our Seed Freedom, Food Freedom and Democratic Rights to shape the future of food that protects life on Earth and the well-being of all.
People’s Assembly

Day 1: The People’s Assembly began on 14th October with a press conference held by the organising committee; including: Vandana Shiva, Corinne Lepage, Emilie Gaillard, Hans Herren, Ronnie Cummins, Andre Leu, Nnimmo Bassey, Renate Künast and Mindi Schneider - from ISS - as moderator. The press conference was attended by journalists from across the world who asked their questions to speakers (press questions 1 – press questions 2). The People’s Assembly continued with a full day of presentations and reports from various scientists, activists and leaders of important organisations such as Navdanya International, Biovision, IFOAM, GM Watch, Via Campesina and Pesticide Action Network to name a few, who covered topics of ecocide and genocide, adverse effects of pesticides and herbicides on the environment and health, and attacks by big international corporations on farmers and farming as well as science and scientists.

In its first day, the People’s Assembly program opened with the session “A century of Ecocide and Genocide” divided in several panels. Among the speakers Vandana Shiva, Navdanya, Andre Leu, president of Ifoam, Ronnie Cummins, Organic Consumers Association, Hans Herren, chair of Iaastd and Biovision, Nnimmo Bassey, Health of Mother Earth Foundation, Claire Robinson, editor at Gmwatch.org, Shiv Chopra, scientist, Percy Schmeiser, Canadian farmer sued by Monsanto. Moreover, the People’s Assembly hosted films and photographic exhibitions. Navdanya organized the “Farmerseeds. Outlaw?” exhibition by French photographer Gerald de Vivies, “Seeds of Freedom” by Italian photo journalist Manlio Masucci, and, in partnership with Finca, the photo exhibition “The Human cost of Agro-toxins” by Pablo Piovano. Global Justice Now organized a photo exhibition about suicides in the cotton belt of India. In the meanwhile, Finca organized projections of documentary films and movies focused on environmental issues.

Day 2: The second day of the People’s Assembly was dedicated mainly to workshops, which were divided thematically in two sessions: the morning session dealt with ‘Information Exchange’, while the afternoon session promoted ‘Ideas for Joint Strategies’. Five different workshops were held for each session, respectively – for the morning session: “GMO Cases Around the World”, “Campaigns Against Pesticides and Toxic Chemicals”, “Steps Toward Seed Freedom (1): Seed-Saving, Seed Laws and Patents on Seed”, “Campaign to Reclaim People’s Sovereignty, Dismantle Corporate Power and Stop Impunity” and “Promoting Agroecology to Feed the World”, and – for the afternoon session - “Campaigns to Stop GMOs”, “Campaigns Against Glyphosate and Pesticides”, “Steps Toward Seed Freedom (2)”, “Struggles Against Agrotoxics, (New) GMOs, TNCs and Peasant Rights for Food Sovereignty” and “Promoting Agroecology, Feeding the World”.

The workshops were organised thanks to the collaboration between different organizations, as well as thanks to their participation, both as speakers and attendees.
In particular, Navdanya International Co-ordinator Ruchi Shroff co-organized the ‘Steps Toward Seed Freedom’ three-part workshop together with Seed Freedom, ASEED Europe, Peliti Greece and No Patents on Seeds, to name a few. The final seed workshop concluded with another remarkable round of information and strategy sharing. Seed activists from Egypt, the Philippines, Germany, the Netherlands, Mexico, Columbia, California, Italy, and India, who took part in the discussion. This incredibly diverse group of activists gave detailed descriptions of the unjust seed laws in their respective regions and countries and shared their strategies for resisting these laws. A plenary session took place toward the end of the day with reports from workshops and two talk sessions: ‘Attack on Democracy and Laws that Protect the Planet and our Food Freedom’ (featuring speakers such as Ronnie Cummins, Nina Holland, and Bart Staes), and ‘New Corporate Strategies for Extending Control over our Seed, Food and Planet’ (featuring Dr. Vandana Shiva, Jim Thomas, Antonius Michelmann, Xiulin Gu and Multi-Watch Basel representative as speakers). In the evening, a selection of short films mainly by Navdanya and Global Justice Now were screened.

Day 3: October 16th was the People’s Assembly’s third and final day. It opened with the last interactive workshop session themed ‘Concrete Actions and Coalitions’. Five different workshops were held, titled “How to Ban GMOs Worldwide”, “How to Ban Pesticides and Toxic Chemicals”, “Steps Toward Seed Freedom”, “Going Forward: Strategies to Build People’s Power” and “The Soil Accuses Monsanto” respectively. Overall, many groups stressed the need for greater collaboration and convergence among different parts of the movement and for local and international initiatives. The group which focused on pesticides outlined concrete measures to be taken in order to move towards banning pesticides. Efforts taken by Burkina Faso, who issued a declaration against pesticides, as well as MultiWatch, who sent an open letter to the Chinese government to stop Sygenta from producing Paraquat, were highlighted. Additionally, different place-based strategies were emphasized by organizations who are taking action to resist corporate seed control. In particular, Navdanya International (in collaboration with Save Our Soils and People4Soil) conducted ‘The Soil Accuses Monsanto’ workshop, with interventions by Dr. Vandana Shiva, Renate Künast and Bernward Geier. This workshop underlined how soil, essential to the proper functioning of our ecosystem, must be put at the center of our political agenda if we are serious about fighting climate change. “We need an economy of permanence” Vandana Shiva stressed, “based on principles that care for the soil”.

The second part of the day was dedicated to a final plenary session where, after reports from the morning session, the Assembly’s main speakers gathered on stage to make their final remarks. To close the last panel, Dr. Vandana Shiva delivered her final speech and later the entire press conference room joined hands in celebration, singing and dancing to ‘Seeds of Freedom’, the song that Manu Chao had specifically composed and recorded in occasion of the Monsanto Tribunal and the People’s Assembly.
Monsanto Tribunal

The opening of the Monsanto Tribunal was scheduled on October 15th. The program started with hearings of the victims and their lawyers. In the opening remarks Corinne Lepage, member of the Monsanto Tribunal Organizing Committee, as well as former French Minister for the Environment and Member of the European Parliament, stated: “Today is a historic day, what happens today will be inscribed in the history of the 21st century; our objective is not to condemn Monsanto, but to understand our rights and analyze Monsanto’s behaviour. It must allow civil society to be able to effectively fight for their rights based on the scientific, legal and economic evidence”.

The Judges included: Eleonora Lamm, human rights director for the Supreme Court of Justice of Mendoza; Steven Shrybman, member of the Boards of the Council of Canadians and the Institute for Agriculture and Trade Policy; Dior Fall Sow, former legal advisor, advocate general at the International Criminal Tribunal for Rwanda; and consultant at the International Criminal Court, Françoise Tulkens, distinguished academic and expert in criminal law, comparative and European criminal law, juvenile justice and human rights protection systems, and Jorge Abraham Fernández Souza, judge of the Court of Administrative Litigation of the Federal District of Mexico.

The first session of the Tribunal (Impact on Human Health) concerned the impact of Monsanto’s activities on human health. Among the witnesses, Sabine Grataloup and Maria Liz Robledo represented the voice of those mothers whose children are affected by genetic malformations caused by agrotoxics such as RoundUp, the main herbicide produced by the U.S. corporation. As Sabine Grataloup said “No, there was no labelling that had any warning as to possible birth defects. There was no information, nothing explicitly about the toxicity of RoundUp”.

American farmer Christine Sheppard is another witness of the crimes committed by Monsanto. “We bought RoundUp from our local store in Hawaii, they told us it was safe enough to drink... it was not until studies were published showing the link with glyphosate that I realized how I had contracted non-Hodgkins lymphoma”. Kolon Saman, victim of RoundUp and Channa Jayasumana, an expert environmental health from Sri Lanka, were also heard.

One of the studies conducted by Damian Verzeñassi, Doctor and Professor at the National University of Medical Science of Rosario, is about the assessment of exposure to pesticides in crop-fields and its potential impact on human health in Argentina. “The existence of solid, consistent evidence is the basis for political decision... May I tell you that we were lied to when were told that GMOs do not require chemicals, we were lied to when we were told that these chemicals were not harmful”.

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Furthermore, Brazilian public and environment researcher Marcelo Firpo concluded the first session by speaking out against the crimes of multinational corporations such as Monsanto and its “massive lobbying apparatus that make it really hard for small-scale farmers to act...”. He added that there is a “whole set of industrial interests that make it very hard to even get a case to court”.

The second session (Impact on Soils and Plants) was opened by Diego Fernandez, an Argentinean farmer who denounced what a “big mistake it was to give up our traditional methods. There are no more animals in our countryside and the fertility of our soil has been compromised”.

The consequences of agribusiness agriculture, fully represented in the U.S system, were clearly expressed by Don Huber: “Human health, animal health, and environmental health are all interlinked. In the United States, we have unfortunately interrupted the virtuous cycle that allows that”.

The third session (Impact on Animal Health) was focused on the impact of Monsanto agrochemicals on animal health, with testimonies by veterinary Art Dunham, scientist Monika Krueger, and the Danish pork farmer Id Borup Pedersen.

In the following session (Impact on Biodiversity), Mexican beekeepers Feliciano Ucan Poot and Angelica El Canche denounced the effects of Monsanto’s practice in their country: “Mayan communities are suffering due to GM soy, farmers in indigenous communities in Mexico were not informed about the introduction of GMOs. They did not know that Monsanto was authorized by the government to use GM soy, and we did not know about the repercussions.”

Maria Colin, lawyer, Mexico, was also heard.

The session was concluded by Steve Marsh, an Australian farmer, who turned to organic agriculture when he started to notice the negative effects of agrotoxics, but later his fields were contaminated by GM crops grown by a neighbour.

The last session of the Monsanto Tribunal’s first day concerned Monsanto’s impact on farmers and the right to food. The testimony by Indian scientist and farmer leader Krishan Bir Chaudhary reported on the effects Monsanto’s monopoly in India.

Farida Akhter from Bangladesh, another witness, denounced the impact of the introduction of Monsanto’s GMOs in her country. As she declared, “If you want to get info about Bt Brinjal you will barely find any on national websites.”
In the same session, Ousman Tiendrebeogo from Burkina Faso and Percy Schmeiser from Canada denounced the impact of Monsanto’s practices in their lives as farmers.

The second day of the International Monsanto tribunal was divided in two main sessions - Pressures on Stakeholders and Institutions and then a session dedicated to lawyers’ interventions.

The first session began with the testimony of Pedro Pablo Mutumbajoy, a Colombian farmer seeking justice. As he stated in his intervention: “I have witnessed spraying that also affected drinking water: after the spraying, I saw a calf born with deformities and no front legs, it was something we had never seen in our region. Neither the Colombian government, the US, nor Monsanto are accepting their responsibility for the damage they have caused.”

Furthermore Paul Francois, farmer and Lasso victim declared: “I wasn't sure whether I should come here at all. It's always difficult to speak out against Monsanto as it can always be used against you in court. It's important to be here in order to testify that Monsanto can be taken to court by an individual. Not just in developing countries, but here too”.

Moreover, another Argentinean voice denounced Monsanto: Juan Ignacio Pereyra, an agrotoxics victims’ lawyer. As he said in his testimony: “The entire world has to know what is going on, and be alert as soon as the law is violated by major companies. We can say often that we are powerless and that’s why we need proof for the damage caused. It is difficult to fight as individuals. We are dealing with injustices that we cannot handle alone.”

Paraguayan health expert Miguel Lovera’s testimony represented a clear example of Monsanto’s pressure on institutions. As he declared during his intervention: “In 2012 I was a member of the Paraguayan government, while at the moment I am working at a catholic university as I am an agronomist by profession. I believe those who control big agribusiness are the ones trying to stop us from speaking up.”

From the academic field came the testimony of French biologist Nicholas Defarge, who substituted Prof. Gilles-Eric Seralini; his was a profound testimony to Monsanto’s impact on the field of scientific research. As he denounced during his intervention: “I have been working in Seralini’s research group for several years. We defended his contentious study in front of the Supreme Court in France to say we are fighting against major companies. I have been listening to the witness’ evidence since yesterday, and we do hear of these products’ damages across the world. As scientists, we are often accused, which is something worse than a professional’s doping, it's so damaging for your career.”
Another important testimony of the pressure of multinational corporations on stakeholders is from Shiv Chopra of the expert regulatory agency in Canada. As he remarked in his intervention: “Everyone seems to be talking about Monsanto, and whenever they talk about their countries they seem to say their country made a mistake, or their prime minister took an award.”

To conclude the first session, Claire Robinson, an academic researcher from GM WATCH stated in her intervention: “I take the Seralini case as an example in order to show that those who attacked his study put public health at risk.”

The last part of the Tribunal’s second and final day was dedicated to the lawyers’ defense. Claudia Gómez Godoy begun the session speaking about the right to a healthy environment, the right to health and to food. She argued that “while individual rights must be defended, we also have to look at collective rights. Three important collective rights are healthy environment, healthy food, and a healthy human life.”

Moreover William Bourdon, lawyer of the Tribunal regarding the right to information, declared: “Monsanto has been using a triple strategy – concealing information, falsifying information and persecuting all those who disseminate contrasting information. In this way, Monsanto continues to violate rights everywhere across the world: there must be no international monopoly for products that are extremely harmful to people. Violating peoples’ right to obtain information is a crime upon which we need to act as to not lose the occasion to improve the current situation.”

Furthermore, in his intervention Maogato Jackson spoke about Monsanto’s war crimes: “Thousands of individuals have been handed death sentences by Monsanto in one way or another. Monsanto’s consciousness stops and starts on the stock trading floor. They see people as numbers. Money can buy a lot of things but not a conscience. Monsanto has continued to destroy human lives and ecosystems from generation to generation.” Lawyer of the Monsanto Tribunal, Kofi Dogbevi, Ecocide on Earth, was also heard.

After having heard the witnesses’ testimonies over the two days of the international Monsanto Tribunal, the judges are now in the process of deliberating amongst each other in order to issue an “advisory opinion”. As to the main six questions relating to the rights recognized by international law (the right to food, the right to a better state of health, and the right to the freedom that is indispensable for scientific research), these rights are notably enshrined in the International Covenant on Economic, Social and Cultural Rights, as well as the Convention on the Rights of the Child and the International Convention on the Elimination of All Forms of Discrimination Against Women. Other international instruments also exist, such as the UN Principles and Guidelines on Business and Human Rights, as approved by the Council of Human Rights in a resolution from June 2011.
The judges are not pronouncing judgment: rather, they will give an *advisory opinion*. Specifically, they will verify whether Monsanto’s activities are in compliance with the laws as they exist in the UN, along with other legal instruments. It is an educational tribunal, that can influence international human rights law. Indeed, the Monsanto Tribunal is a way for civil society to take the initiative of giving a voice to witnesses, as well as a way to enable the public to understand the impacts of Monsanto’s activities, and also to help international law improve, by offering new ideas such as the responsibilities of business in respect to human rights, and by formulating new concepts. This is a difficult but essential education. It is important to refer to other cases of civil society tribunals in history. For instance, the Russell Tribunal [also known as the International War Crimes Tribunal], which was held in the context of the Vietnam War in 1966, was also a tribunal of opinion. Regarding the Monsanto Tribunal, the judges’ advisory opinion will be delivered over the coming months and it will be sent to Monsanto and the United Nations. From this legal opinion, other jurisdictions will have the opportunity to get involved and other judges will step in. Without a doubt it can be said that new questions, such as those concerning ecocide, could be taken into account by international law.

Ecocide unfortunately still does not exist as a recognized crime, and in order for that to happen it firstly has to be precisely defined. Genocide is a crime against humanity aimed at the partial or total destruction of a group of persons because of their national, ethnic, racial or religious characteristics. Ecocide would be a “genocide” committed against the environment, an environmental damage that would alter in a serious and long-lasting way the ecosystems upon which human life depends. The International Criminal Court in The Hague has recently decided, on the 15th of September, to include concerns about the environment in its field of investigation, so steps in this direction are already being taken.

As Judge Françoise Tulkens, chair of the Monsanto Tribunal, said in an interview with *Le Monde*: “The issues of access to water and to a healthy diet are old. They are not new issues generated in the minds of angry activists. And these issues, such as the right to a healthy environment, are likely to become increasingly important with climate change. It is our duty to put the legal tools in place to deal with these problems. The Monsanto Tribunal is an essential step and tool in this process”.
Conclusions

Monsanto and the Poison Cartel are guilty of crimes against our planet and against humanity. This is the verdict from the People’s Assembly stated in the final press release.

The People’s Assembly represented the platform through which independent studies and real experiences of farmers and consumers across the world were shared. After listening to witnesses and lawyers from the Tribunal, as well as to organizations, farmers, activists and common citizens from the People’s Assembly, the evidence is clear: “The poison cartel, which includes toxic makers such as Monsanto, Bayer, Dow, DuPont and the like, are together destroying both our bread and our freedom. They are corrupting governments, violating nations’ sovereignty and imposing on our planet a model of greed, poison and corruption”.

The People’s Assembly was therefore a crucial meeting for the future of humanity and the whole planet: “To steer our planet away from this destructive path, a Planetary Alliance for Earth Democracy has been formed under the People’s Assembly. Thousands of people from across the world have already joined us in this Alliance - and a further one billion people will join in the next two years - to reject patents on seeds, and poisons in our food and soil”.

A new challenge to corporate power in defense of democracies and human and environmental rights was launched in The Hague: “The Alliance is born to stop the crimes of Monsanto and of the Poison Cartel and block their attempts to hijack our democracy all over the world. The new generation of free trade agreements such as TTIP, TPP and CETA are proving to be means that Agri-business corporations have devised to control our life and dismantle our democratic systems and institutions”.

As Dr Vandana Shiva, founder of Navdanya and renowned environmentalist, stated “At this People’s Assembly, and at hundreds of others happening all over the world, people have passed their verdict. The poison cartel is guilty. They have destroyed life, plant and human health alike. They have disregarded all laws of nature and countries’ national legislations with the result of destroying the biodiversity of our fields and our foods systems. As part of the Planetary Alliance for Earth Democracy we shall continue to resist the attempts by these poison makers to control our food, our life and democracy”.