

## **Agrochemical TNCs target of upcoming Permanent People's Tribunal**

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Saluting the American people who in recent weeks have gathered in New York to collectively condemn corporate power and greed, Pesticide Action Network (PAN) International will spearhead the first-ever Permanent People's Tribunal (PPT) Session on Agrochemical Transnational Corporations (TNCs) this December.

A public trial of decades of crimes by agrochemical TNCs, the PPT is similar in spirit to the Occupy Wall St. Movement which has brought public attention to the ills of capitalism, which is said to have profited only 1% of society and brought poverty and misery to the remaining 99%.

“This disparity and exploitation is mirrored in the unprecedented control of agrochemical TNCs over food and agriculture, which has robbed millions of people, especially small-scale farmers, of their basic human rights such as the right to life and health and right to food sovereignty,” said Sarojeni Rengam, Executive Director of PAN Asia Pacific.

Globally, just six corporations—Monsanto Company, Syngenta International AG, Bayer CropSciences AG, Dow Chemical Company, DuPont, and BASF—control 75 percent of the global pesticides market. These TNCs are also among the top ten seed companies who control 67 percent of the global proprietary seed market, including genetically-engineered (GE) seeds. They rake in billions of dollars in profit every year.

This handful of TNCs have been allowed to grow in wealth and influence, despite their notorious record of poisoning people and the environment and grossly violating other social, economic, cultural and political rights.

For instance, Dow Chemical remains unaccountable for the 1984 Bhopal tragedy in India, which instantly killed 8,000 people and poisoned hundreds of thousands more who continue to suffer to this day. None of the officials of Union Carbide Company (UCC), the parent company of the Indian plant responsible for the deadly pesticide leak, were punished. Since Dow bought UCC in 2001, it has also refused to pay further damages to the victims or clean up the disaster area.

December 3 is known as the World No Pesticides Use Day in commemoration of the Bhopal tragedy. This year, it will also be the start of the three-day PPT Session on Agrochemical TNCs, which aims to gather victims and survivors of gross human rights violations by such companies before a distinguished international panel of jurors.

“Largely unknown to the public, tragedies happen every day around the globe because of pesticides and other hazardous technologies promoted by agrochemical TNCs,” said Dr. Romeo Quijano, President of PAN Philippines.

Dr. Quijano said that 335,000 people are killed every year due to pesticide poisoning, and that up to 41 million people suffer from the adverse effects of pesticide exposure.

The PPT is set to take up cases of pesticide poisoning that have been identified over past decades. This includes the paraquat poisoning of women plantation workers in Malaysia, endosulfan poisoning in Kerala in India, contamination of the Arctic with persistent organic pollutants, and dumps of obsolete pesticides in Africa. Many of these cases show the devastating inter-generational effects of toxic pesticides on innocent children.

The PPT will also hear cases that relate to the adverse health and environmental impacts of GE, as well as the infringement of farmers' rights due to the genetic contamination of their crops and patents on seeds. The case of US farmers that have been sued by the biotech giant, Monsanto, will be highlighted, as well as other cases that show how agrochemical TNCs have devastated the livelihoods of farmers.

The PPT will also tackle unreported violations of civil and political rights by agrochemical TNCs, such as the shooting of Brazilian activists by Syngenta guards and the harassment of scientists who came up with independent scientific studies that refuted the companies' falsified data on the safety of pesticides and GE.

### **Systematic crimes**

“Given the existing state of law that has provided agrochemical TNCs with legal loopholes and safe havens that allow them to commit gross violations of human rights with impunity, it becomes more urgent that the PPT be held so that they will be indicted for their crimes,” said Rengam.

The PPT, set up in 1979, is an international opinion tribunal that is independent of any State authority. It aims to raise awareness of situations of massive human rights violations, especially when such situations receive no institutional recognition or response. The PPT's roots lie in the Bertrand Russell War Crimes Tribunal; it was borne out of people's struggles against exploitation and oppression. Since then, it has held 35 sessions on various forms of human rights abuses through alternative judgments and legal articulations.

The PPT is unique because it perceives a crime “not simply as an ‘acute’ event of violence—with an identifiable deviant perpetrator and an identifiable subject victim—but as a ‘chronic’ condition of systematic, structural violation resulting in communities of suffering,” describes one corporate watchdog. Such description is certainly illustrative of the violations committed by agrochemical TNCs.

The death of the 11-year old Paraguayan, Silvino Talavera, due to exposure to glyphosate sprayed over GE soy fields, for instance, is specifically attributed to Monsanto, the producer of Round-up Ready technology.

Meanwhile, Dr. Quijano says that a mixture of toxic chemicals produced by different agrochemical TNCs are usually used in aerial spraying, a practice that remains common in many countries and which violates communities' right to life as well as their right to freedom from interference with the family and the home. Dr. Quijano has extensively documented how Kamukhaan, a village in Davao del Sur, Southern Philippines, was poisoned by the aerial spraying of pesticides by a nearby banana plantation.

“Agrochemical TNCs have full knowledge of the hazardous nature of their products, as well as their unsafe conditions of use in farms, plantations, and communities. Yet, they have continued to sell and promote these products,” he says.

Many products of agrochemical TNCs are banned in their home states but continue to be used in Third World countries, where regulation is lax and the agrochemical industry is capable of exerting undue influence over governments. For instance, the highly toxic paraquat is banned in Switzerland, the home base of its producer, Syngenta. Yet, it continues to be produced and exported to over 100 countries without restriction.

Also accused in the PPT are the governments of the US, Switzerland, and Germany, the home states of the world's six largest agrochemical TNCs, for their complicity in corporate violations. These governments are unwilling to hold their TNCs accountable, especially when non-nationals seek redress. Such was the case when Indian nationals tried to sue Dow—so far, no US court has agreed to hear their complaints on grounds that it is best heard in the host country where the alleged violation took place.

“There is a complete lack of political will by home states to create legal structures and procedures that might be seen to threaten the operations of agrochemical TNCs. This stems from a number of factors. Primary among them, of course, is the fear of the loss of competitive position in the global market,” said Rengam.

### **Recourse to justice**

Currently, most international human rights laws and conventions only recognise the obligations of states to protect the rights of their own citizens, and do not address violations by private actors such as corporations.

However, the Universal Declaration of Human Rights clearly states that “every individual and every organ of society” shall strive to promote respect for rights and freedoms, thus imposing a duty on all, including corporations, to comply. The UN Economic and Social Council also adopted in 2003 a set of norms that obliges TNCs to abide by human rights laws.

Still, there is also no specific international forum empowered to hear and render judgment on cases of human rights violations brought against TNCs.

The International Court of Justice, the judicial arm of the United Nations, only has jurisdiction over UN member states. Meanwhile, the International Criminal Court has jurisdiction only over natural persons, and not corporations.

Thus, the upcoming PPT Session on Agrochemical TNCs is a valuable—and perhaps the only—recourse to justice for victims and survivors of gross, widespread, and systematic human rights violations by agrochemical TNCs. The charges against these corporations will arise from the testimonies of farmers, agricultural workers, Indigenous Peoples, women, children, youth, scientists, consumers, and activists.

Regional centres of PAN International have launched a public awareness campaign on this PPT Session on Agrochemical TNCs, and are now gathering petition signatures and other forms of support from the public.

“We will join the global upsurge of voices calling for corporate accountability and justice, in this time of growing social consciousness when crime and impunity by the 1% are met with outrage and action by the 99% of society,” said Rengam.

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