

# The Permanent People's Tribunal

## December 3 – 6 2011

*Holding pesticide corporations accountable for human rights violations*



### Background

On December 3-6, 2011, the Permanent Peoples' Tribunal will convene to hear cases brought by farmers, farmworkers, mothers, young people, scientists, consumers, and farmers from around the world. Six transnational pesticide corporations stand accused of violating human rights by promoting reliance on the sale and use of pesticides known to undermine internationally recognized rights to health, livelihood and life.

Known as the 'Big 6', the indicted agrichemical corporations include Monsanto, Dow, BASF, Bayer, Syngenta and DuPont. Collectively, these corporations control 74% of the global pesticide market and 49% of the global seed market, making the pesticide/agricultural biotechnology industry one of the most consolidated sectors in the world.<sup>1</sup>

Also under indictment are the International Monetary Fund, World Bank and World Trade Organization; these entities are charged with facilitating corporate concentration of power through their policies and programs. Additionally, the governments of Switzerland, Germany and the United States – the home nations of the six defendant corporations – have been indicted for colluding with, and failing to regulate, corporate power.

During the course of the tribunal, Pesticide Action Network (PAN) International will invite witnesses – including scientists, medical doctors and lawyers – to prove the charges through expert testimony on pesticides, genetic engineering, intellectual property rights and other subjects germane to the cases at hand. Those who have been injured by these products will testify to the causes and natures of their injuries. Whether as individuals or as a community, the injured parties are victims and survivors of gross, widespread and systematic human rights violations. The defendants will be served and summoned to offer their perspectives and responses.

### The Tribunal

The Permanent Peoples' Tribunal was founded in 1979 and grew out of the work by Senator Lelio Basso of Italy. The PPT is an international opinion tribunal that aims to raise awareness of situations of massive human rights violations when such situations receive no institutional recognition or response. Started in 1979, the PPT has held 35 sessions exposing various forms of human rights abuses through alternative judgments and legal articulations. It was created as an institution to compensate for the absence of access to justice for all people; where barriers to justice exist, the Tribunal serves as a grassroots, *ad hoc* court to consider charges and to issue verdicts.

The PPT draws its authority from the people while remaining rooted in the rigors of a conventional court format. Citing relevant international human rights laws, precedents and documents such as the UN Declaration of Human Rights in its findings, the Tribunal examines and passes judgment on

---

<sup>1</sup>"[Who Owns Nature?](#)" ETC Group, November 2008



complaints of human right violations submitted by victims or their representative groups.

Jurors are nominated by the PPT Secretariat, led by Secretary General Dr. Gianni Tognoni. This session's jurors include renowned legal experts such as Gurdial Singh Nijjar, Director of the Centre of Excellence for Biodiversity Law at the University of Malaya; Pananchand Jain, retired Rajasthan High Court Justice; and Upendra Baxi, former President of the Indian Society of International Law. The jury also includes scientists and experts such as Dr. Ricarda A. Steinbrecher, biologist and geneticist with the German Federation of Scientists.

Pesticide Action Network (PAN) International, a global network of more than 600 organizations in over 90 countries, has been working to reduce reliance on pesticides since 1982. In December's landmark Tribunal, PAN International will seek justice for more than 25 specific cases that represent many more communities around the world whose rights to life, health and livelihood have been grossly violated by the corporations and institutions under indictment.

## The Case Against Pesticide Corporations

On December 3, 1984, more than 8,000 people died in Bhopal, India during one of the worst industrial accidents in history when a pesticide manufacturing plant exploded in the middle of the night. In the 27 years since, 20,000 more have died as a result of this one event and the area surrounding the plant remains a toxic waste site. Dow chemical has yet to be held to account.

Victims in Bhopal are not alone. The [World Bank](#) estimates that 355,000 people die from pesticide exposure each year. The corporations responsible for the manufacturing and distribution of these pesticides have not yet been brought to justice.

Pesticide corporations have not only escaped accountability for crimes such as the Bhopal tragedy, their global reach has expanded. Bayer AG, for instance, grew 172% between 2000 and 2004. Market expansion couples with nearly three decades of deregulation as governments abrogate their responsibility to act on behalf of the public interest. As a direct result, the six corporations controlling the global pesticide and patented seed industries now exercise extraordinary power to pursue profitability without regard for human life or the public interest. They continue to profit by marketing hazardous and unsustainable products and technologies, keeping the global food system on a toxic treadmill.

***Worldwide, an estimated 355,000 people die from pesticide exposure every year. This means that nearly 1,000 men, women and children die on an average day. [Source: [World Bank](#)]***

---

<sup>2</sup> "[Market Concentration in the Agricultural Input Industry](#)," UNCTAD Report



Collectively, the ‘Big 6’ indicted agrichemical corporations impoverish and disempower farmers and undermine food security while making historic profits. In 2004, Monsanto reported sales of \$3.2 billion; this year, revenue is \$11.5 billion.<sup>2</sup> In pursuit of profit, these corporations have shown disregard and contempt for people’s basic human rights: right to life, right to health and right to livelihood.

## Sample Cases :: Rights to health, livelihood & life

Below are samples of the more than 25 specific cases included in the indictment.

Violated Rights	Responsible Corporations	Product	Cases & Injured Parties
Right to health & life	Bayer	Endosulfan (insecticide)	<p><b><i>People of Kasargod vs. Bayer</i></b></p> <p>In the district of Kasargod (India) the Plantation Corporation of Kerala aeriually sprayed endosulfan on cashew nut plantations for over 20 years, beginning in 1976.</p> <p>As a consequence of the aerial endosulfan spraying, people who live, work and play there have suffered significant congenital, reproductive and long-term neurological damage. In Kasargod, 500 deaths from endosulfan poisoning are officially acknowledged; unofficial estimates place the figure at around 4,000.</p> <p>More than 9,000 people are reported to have had health problems resulting from exposure to endosulfan. More than 1,000 still suffer from long-term health problems.</p>
Right to health & life	Monsanto	RoundUp (herbicide)	<p><b><i>Family of Silvino Talavera vs. Monsanto</i></b></p> <p>Countless people have suffered severe health effects from direct exposure to the chemical cocktail RoundUp, and some have even died. Silvino Talavera, an 11-year-old, is one such example from Paraguay.</p> <p>Silvino was on his way home from school one day when he was enveloped in a cloud of RoundUp being sprayed by a crop duster. He arrived home barely able to breathe and was rushed to the nearest hospital, where he died five days later.</p>

Violated Rights	Responsible Corporations	Product	Cases & Injured Parties
Right to health & life	Bayer	Methyl parathion (insecticide)	<p><b><i>Quechua Community vs. Bayer</i></b></p> <p>In violation of FAO's Code of Conduct on the Distribution and Use of Pesticides, Bayer AG marketed its organophosphate insecticide, methyl parathion, in unmarked plastic bags in a largely illiterate Quechua Indian community in Peru. Because of this, the insecticide was unknowingly mixed with the breakfast served to 50 young children at an educational center. 24 out of the 50 children lost their lives and the rest suffered, among other health problems, from neurological damage.</p>
Right to livelihood	Monsanto	Bt Cotton	<p><b><i>Farmers of India vs. Monsanto</i></b></p> <p>In India, Monsanto has monopolized the cottonseed market, resulting in the following:</p> <ul style="list-style-type: none"> <li>• Increased royalties on their seeds, pushing farmers ever deeper into debt</li> <li>• Damaged livestock health as a result of grazing on Bt cotton, often leading to cattle sickness and death</li> <li>• Mass farmer suicides in multiple states in India due to inability to make a living</li> </ul>
Right to livelihood	Monsanto	GE Corn	<p><b><i>U.S. Farmers vs. Monsanto</i></b></p> <p>Through an aggressive strategy of patenting seed and buying up seed companies, Monsanto has taken over the seed market. The corporation has made it nearly impossible for U.S. farmers to buy non-Monsanto commercial seed crops (cotton, soy, corn &amp; canola).</p> <p>Monsanto has dedicated a staff of 75 people and a budget of \$10 million solely to investigating and prosecuting farmers whose crops have cross-pollinated with Monsanto crops. Through this strategy, Monsanto has made between 85 and 160 million dollars off of farmers.</p>



## Available for Interviews:

- **Kathryn Gilje, Co-Director, Pesticide Action Network North America:** 415-728-0172, [kathryn@panna.org](mailto:kathryn@panna.org). *Kathryn has years of experience in working on food, agriculture, policy and social justice issues in the U.S. and internationally.*
- **Jeannie Economos, Pesticide Safety and Environmental Health Project Coordinator, Farmworker Association of Florida:** 407-886-5151, [farmworkerassoc@aol.com](mailto:farmworkerassoc@aol.com). *Jeannie works extensively with communities where former farmworkers suffer debilitating health impacts as a result of being forced to work in harsh conditions in close contact with dangerous pesticides over decades.*
- **Paige Tomaselli, Staff Attorney, Center for Food Safety:** 415-826-2770, [ptomaselli@icta.org](mailto:ptomaselli@icta.org). *Paige works on law and policy related to genetically engineered crops, organic standards, factory farming, and other food safety issues.*
- **Viola Waghiyi, Environmental Health and Justice Program Director, Alaska Community Action on Toxics:** 907-222-7714 (office), 907-444-9194 (cell), [vi@akaction.org](mailto:vi@akaction.org). *Vi is a bilingual Yupik Eskimo and works with Arctic Indigenous Peoples on national and international issues.*
- **Ana Duncan Pardo, Communications Coordinator, Toxic Free NC:** 919-833-8655, [ana@toxicfreenc.org](mailto:ana@toxicfreenc.org). *Ana has worked with farmworkers and has extensive experience in science communications. She has led several community-based efforts on environmental and civic issues, and is bilingual (Spanish/English).*

## Additional Resources & Analysis:

- \* **Center for Responsive Politics, [OpenSecrets.org](http://OpenSecrets.org)**
- \* **[Corporate Accountability Project](#)**
- \* **CorpWatch, [Guide to Corporate Research](#)**
- \* **[ETC Group](#)**
- \* **[Monsanto Watch](#)**
- \* **[Source Watch](#)**
- \* **[Agrochemical Markets Soar](#), PAN UK**
- \* **[Fast Facts on Corp Consolidation in Industrial Agriculture](#)**
- \* **"[Market Concentration in the Agricultural Input Industry](#)," UNCTAD Report**
- \* **"[Who Owns Nature?](#)" ETC Report**