

# ***PERMANENT PEOPLES' TRIBUNAL***

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**SESSION ON AGROCHEMICAL TRANSNATIONAL CORPORATIONS**

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## **1. History and legitimacy of the Permanent People's Tribunal**

This session of the Permanent People's Tribunal (PPT) completes a long process of investigation that began in July 2008, when representatives of the Pesticides Action Network (PAN) presented a request of intervention in order to investigate how and in which terms the activities of transnational agrochemical corporations cause "massive death, terrible harm to health, plunder of the environment and destruction of ecological balance and biodiversity" (letter of request). Due to the impossibility for the victims and survivors to have effective recourse to legal avenue for justice, compensation and remediation, the PPT decided to hold the session in Bangalore, from December 3rd to December 6th 2011, after two years of intense work gathering and documenting cases (the full text of the indictment by PAN is available on the website: [www.internazionaleleliobasso.it](http://www.internazionaleleliobasso.it)).

The significance and framework of reference for this ruling can be more readily understood if we first refer to the intellectual and field-based experiences accumulated by the Tribunal over its thirty years of work and, more specifically, through its involvement in the assessment of the risk of industrial activities on human and environmental rights. The assertion of the need for, and the legitimacy of, a peoples' law, capable of counteracting the trend in international law that denies the obligatory recognition of peoples as possessing and holding rights was the core of the Universal Declaration of the Rights of Peoples (Algiers, 1976). The Declaration can be considered the real Statute of the PPT and was developed as the juridical expression of the body thinking originated by the Second Russell Tribunal in the dictatorship in Latin America (1947-1976), which devoted the Brussels session to the role of transnational corporations (TNCs). The comments on its findings by Lelio Basso, who was founder of the PPT, are specifically relevant to the present context:

“The directions in which the world is developing leave no doubt as to the fact that, if alternatives are not found to these trends, we are heading towards a world in which the power of a few hundred human beings (political, economic and military leaders), of Kafkaesque remoteness and inaccessibility, in many cases totally unknown, will leave the majority of people no option but to be slaves, to be eliminated or excluded”.

The main themes of the request presented by PAN had been since long, and in different contexts and from complementary points of view, among those which have been treated specifically in some of the key Sessions of the PPT. A brief mention of their findings is worth to be made here, as their doctrine contributes an even more solid and broader basis to the considerations and the conclusions which are reported below. Besides the specific Sessions devoted to general themes (the two Session on “The policies of the International Monetary

Fund and World Bank in West Berlin, 1988, and Madrid, 1994, and the Session on “The impunity of crimes against humanity in Latin America” in Bogotá, 1991) the dramatic - so concrete, so symbolic - case of Bhopal (the two Sessions on “Industrial hazards and human rights” in Bhopal, 1992, and London, 1994) fully expressed the implications of what was happening in a progressively globalized world: the widespread consensus that it was the worst industrial disaster ever did not lead to concrete actions in favor of the victims by the private and public actors. The victims were a reality "beyond any reasonable doubt", even though they were numerically unspecified and could not be quantified with "due" precision. The causes and responsibilities were also clear: no official "convenient forum" was found, however, to turn the available evidence into effective measures of condemnation and reparation. On the other hand, the findings of the PPT led to a widely subscribed "Chart of the Rights of the Communities" which clearly pointed out the increasing need to deal with the growing impact of environmental violations and wrongs (whatever their cause) with an approach centered on the victims and on the peoples rather than exclusively worried about seeking a legal solution within the rigid bounds of existing international law. The Sessions of the PPT on Colombia (“Transnational corporations and peoples’ rights in Colombia, 2006-2008”) and on the complicity of the EU with the strategies of the European multinationals in Latin America (“The EU and transnational companies in Latin America: policies, instruments and actors complicit in the violations of peoples’ rights”, Madrid 2010) led to an even sharper identification of the responsibilities of the various actors mentioned above (transnational corporations and national governments), which consisted in massive violations of human rights, especially through the denial of socio-economic rights, the denial of cultural identity and the destruction of the environment. The above long-term work in depth analysis, documentation, proposals, whose guiding criteria can be summarized in the terms formulated in the Session of Madrid:

"The economic model must be subject to the principle of international law, in that the right of ownership must be limited and made subordinate to the general interest so that it performs its social and ecological function. International standards of human rights of indigenous peoples must be approved and applied in a binding and effective way, whilst rules on investment and trade must be made subject to international human rights law".

The request formulated by the Pesticide Action Network was reviewed according to the PPT Statute by the Presidency of the PPT, which admitted it with the greatest interest and priority, as it corresponded fully with at least three characteristics which are requested to qualify a case within the mandate and the competence of the PPT:

- the highly qualified representativeness of PAN<sup>1</sup>, both in terms of the geographical and thematic spectrum it represents and of the long-term record of activities in the various areas comprised under the theme of the request;
- the factual and juridical robustness of the documentation included in the dossier of the indictment;
- the content which perfectly fitted the experience, the competences, the overall line of doctrinal and operational development of the PPT.

## 2. Procedures of the Bangalore Session

The PPT Session was held between December 3 and 6, 2011. In accordance with the program (Attachment 2), witnesses, technical witnesses and survivors made oral presentation of specific cases and submitted supporting documents. As established in its Statute, the Tribunal notified the legal representatives of the translational corporations headquartered in Germany (Bayer and Basf), Switzerland (Syngenta) and the United States (Monsanto, Dupont, Dow Chemicals).

### The jury

The jury was composed of the following members:

**Upendra Baxi (India)**, who acted as the President of the Jury, is a legal scholar and a Professor of Law in Development at the University of Warwick, United Kingdom since 1996. He has been the Vice Chancellor of the University of Delhi (1990–1994), prior to which he held the position of Professor of Law at the same University for 23 years (1973–1996). He also served as the Vice Chancellor of the University of South Gujarat, Surat, India (1982–1985).

**Elmar Altvater (Germany)**, economist, University Professor (tenure position) at the Free University Berlin, Department of Political Science (Otto-Suhr-Institut), and guest-professor at several Universities (Mexico, Brazil, Canada and USA). Former President of the Lelio Basso International Foundation for the Right of Peoples in Rome.

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<sup>1</sup> Pesticide Action Network (PAN) International is a global network of more than 600 organizations in over 90 countries that has been working for almost 30 years now to protect health, the environment and livelihoods by eliminating the use of highly hazardous pesticides and promoting resilient, regenerative agriculture and food sovereignty.

**Ibrahima Ly (Senegal)**, professor of law and researcher at the Faculty of Law of the University Cheikh Anta Diop of Dakar (UCAD) since December 1986. He is the first state doctor on environmental rights in Senegal. He is a consistent advocate of environmental protection and a consultant for several national and international institutions on legal issues concerning the environment, the management of natural resources and bio-security.

**Paolo Ramazzotti (Italy)**, Professor of Public Policy at the University of Macerata, Italy, with research activities and publications in the international literature on transnational corporations, institutions and development. He is the coordinator, for his university, of the doctoral program on “Economic Development: Analysis, Policies and Theories”, jointly carried out with the University of Camerino, Italy. He is also co-editor of the Forum for social economics.

**Ricarda Steinbrecher (UK)**, biologist and geneticist. She has specialized in gene regulation since 1982 and has worked as a research scientist in the field of mutational analysis, gene identification and gene therapy in university and hospital settings. Since 1995 she has focused on genetic engineering in food and farming, its risks and potential consequences on health, food security and the environment. She is Director of Econexus, Oxford, and Representative of the Federation of German Scientists in biodiversity and biosafety international negotiation.

**Gianni Tognoni (Italy)**, Medical doctor, Director of the Consorzio Mario Negri Sud, a research no-profit Institute focused on public health, clinical epidemiology, environmental science, health rights.

### **3. Facts**

The evidence presented to the PPT by witnesses and experts through oral presentations (followed by extensive question and answer period), written and visual material made available during the public hearings (see Annexes 1 and 2), and available to the Jury as support documentation, cannot be summarized here in full detail. While some of the concrete situations and cases are more explicitly examined in Section 4, this section is simply meant to focus on “model” findings, which are representative of the major classes of violations which are then considered and qualified in the Sections which follow.

The situation presented to the Tribunal in terms of human rights violations by and through agrochemical transnational corporations (TNCs) can be summarized as follows.

Bayer, BASF, Dow, DuPont, Monsanto and Syngenta are major agrochemical TNCs, involved in the production of both agrochemicals and proprietary seeds (including hybrid seed and genetically modified seed). Combined, those six companies have a 72% share of the global pesticide market, a market worth US\$44 billion in 2009. Monsanto, DuPont and Syngenta alone control 53% of the global proprietary seed market, a market estimated to be worth US\$ 27.4 billion in 2009 (“Who will control the green economy?”, ETC Group 2011, pp. 22, 25).

Linked to the power and influence of these corporations is a recurring picture of abuse of this power ranging from bribery (direct and indirect), threats, and harassment to weakening regulations, producing misleading, erroneous or even false information and data and untruthful and aggressive marketing and promotion of hazardous pesticides and of genetically modified (GM) seed. The labeling of data as ‘confidential business information’ is used to hide data from the public.

As a consequence, highly toxic pesticides are produced, marketed and used, resulting in great suffering and in the violations of rights, which largely affect small farmers, farm laborers, the poor and powerless. Violations of rights and suffering also occurred through the introduction and use of genetically modified crops on their own terms and in combination with the use of hazardous agrochemicals. The problem of hazardous agrochemicals in this context is worsened by the failure of glyphosate to control weeds, which enhances the use of pesticides such as 2,4.D and dicamba, and the genetic modification of crops so that they can tolerate such harmful herbicides.

According to the WHO, an estimated 355,000 people die each year from poisoning from exposure to pesticides, two-thirds of them in developing countries.

### **3.1 Violation of the right to health and life**

#### **Health, chronic and irreversible disease, injury and death**

Health, chronic and irreversible disease, injury and death are being suffered due to the use, presence and persistence of single or multiple pesticides in food or in the environment.

- Acute poisoning due to tractor, and especially aerial, spraying of pesticides on glyphosate tolerant GM soy (Monsanto) led to the rapid death of eleven-year old Silvino Talavera in Paraguay, who died of heart-respiratory failure because he lived and played close to GM soy fields. The toxins later found in his blood were **glyphosate, phenol and carbamates**. Glyphosate is associated with the herbicide formulation RoundupMax (Monsanto). In this instance the whole family suffered acute poisoning, leading to their hospitalisation.

- The poisoning with **endosulfan**, an insecticidal organochlorine pesticide (produced by Bayer). It is used on crops such as cashews, tea, coffee, cotton, fruits, vegetables, rice, and grains. The long term use and aerial spraying of endosulfan in plantations has led to severe suffering of many communities who work in these plantations or live in their vicinity. Endosulfan is a persistent organic pollutant (POP) which remains in the environment, bio-accumulates through the food web, and it does not decay with long-range transport. As an immune system and endocrine disrupter it is highly toxic to humans and wildlife. Direct exposure of humans, i.e. coming in contact with the spray on the ground when applied by helicopter, has resulted in irreversible paralysis and death. Long term exposure has resulted in significant congenital, reproductive, neurological damage and other health effects. The suffering of the community in, for example, Kasargod, Kerala, India is well documented, where endosulfan was sprayed from 1976-2002. In Kasargod the aforementioned health effects have been documented for over 9,000 villagers. Endosulfan-induced death has been officially documented for 500 people but real figures are thought to be around 4,000. Endosulfan has been banned in Kerala, India, since 2002, but not throughout India.
- By 2011, endosulfan was banned by more than 80 countries, but it is still used extensively in India and China, and a few other countries, such as in Uruguay with GM soya.
- Poisoning with **atrazine**, a herbicidal pesticide (produced by Novartis): Atrazine is another endocrine disrupter that caused severe health effects, including demasculinisation and feminisation of males both in humans as in animals. This is widely reported in animal studies internationally. Its use in areas in the US can, for example, be correlated with the feminisation of amphibians. Whilst banned in the European Union, atrazine remains a widely used herbicide in many parts of the world. Despite well documented proof to its endocrine disrupter effects in the scientific literature, Novartis chooses to harass and discredit scientists involved in research rather than stop its production and use.
- Poisoning with **paraquat**, a herbicidal pesticide (produced by Syngenta): paraquat is a highly toxic herbicide widely used in plantations, in particular palm oil plantations. In the vast majority of cases, the spraying by hand will be carried out by women workers, as seen in Malaysia. Serious health problems among sprayers were reported, including blindness, discoloration and loss of nails, bleeding from the nose, infection of reproductive organs, and respiratory problems. Long term exposure results in such debilitating health problems that it forces women to stop working early, e.g. at age 45, as shown for Nagama.
- The exposure to multiple pesticides is suffered by people in the Arctic Circle, in particular by indigenous peoples, due to the high contamination of all their food sources. As toxins accumulate in cold regions at high altitudes or in the Arctic and Antarctic regions, persistent organic pollutants and pollutants that persist because of cold temperatures (and that would degrade more rapidly in warm

regions of the planet) are found in fish, walruses, seals, eggs of wild birds (e.g. murre, guillemots) and in the ice itself. Toxins found include those manufactured by Bayer, Syngenta and Dow; even endosulfan can readily be found. As a consequence, the bodies of arctic indigenous peoples are continuously being poisoned and health effects are reaching increasingly high proportions, thereby causing great suffering not only to this generation but to the generations to come.

- Multiple exposure is also found in communities in Africa, where the canisters of pesticide dumps leak and pollute the ground water and the land nearby. Leaking pesticide dumps have been found near schools and wells, close to where children play, in many African countries. As compared to their purchase price, the safe decommissioning of pesticides is disproportionately expensive and, therefore, often unaffordable.
- Health problems are also found in people handling Bt-cotton in ginning factories in Madhya Pradesh, India. The symptoms found are strongly suggestive evidence that workers have allergic reactions to the Bt toxin present in cotton, with symptoms ranging from skin itching, eye itching and swelling to respiratory tract complaints.

### **3.2 Violation of the right to livelihood, right to food and food sovereignty, including food production Threat to and loss of food production, food sovereignty and livelihoods**

Both use and presence of agrochemicals and GM crops have been identified as a threat to livelihoods, food production and in particular food sovereignty.

- Farmers using chemical inputs (i.e. fertilisers and pesticides) and who have switched to monoculture farming are no longer able to complement their food with non-crop plants (including medicinal plants), snails, fish, ducks etc, all previously part of their farming system. Nor can neighbouring farmers resort to many such food supplements if the water is contaminated with toxic chemicals.
- The widespread use of GM seeds in the US and also Canada have resulted in significant GM contamination of farmers' fields and seed supplies. This affects the livelihoods of organic farmers as well as of non-GM conventional farmers. Organic farmers lose their organic status and conventional farmers are taken to court by GM seed TNCs, in particular Monsanto, and have to pay large amounts to the companies. This is the case no matter whether the farmer has knowingly or unknowingly (i.e. by contamination) planted GM seeds. In the US, Monsanto has filed over 136 cases involving 400 farmers and 53 small businesses/farm companies for "illegally" using patented GMO seeds. The sum rewarded to Monsanto in 70 recorded judgments against farmers totaled USD 23,345,820.99.



- Seed sovereignty - the ability to save and adapt seeds and to do so freely - is essential for food sovereignty and livelihoods. This right and this capacity is violated by hybrid seeds as well as by patented GM seeds.
- Pollinators, especially bees, are essential for the production of food. Bees are in drastic decline in many parts of the world, in particular in areas where pesticides are used that are toxic to bees and that are present in pollen. The death of bees started occurring in Europe in the mid-nineties at the same time that Bayer introduced neonicotinoid insecticidal pesticides on the European market, first imidacloprid, later clothianidin (introduced into the US market in 2003). They belong to the most widely used insecticides in the world for field and horticultural crops, and are often applied as a seed-dressing, especially for maize, sunflower, and rape (canola). These pesticides are particularly harmful to bees and are now being directly linked to bee colony collapse syndrome in many countries of the world, threatening the livelihood of beekeepers directly and the livelihood of farmers and communities depending on open pollinated crops indirectly. Ultimately, life on earth depends on the existence, health and work of pollinating insects. Due to protests by beekeepers, France has banned imidacloprid as a seeddressing, and never approved clothianidin.
- Farmers in Brazil have organised large protests to object to sterile seed technologies, also known as Terminator Technologies, which are genetically modified seeds that will commit suicide when replanted. Indeed, farmers and communities around the whole world are objecting to the introduction of such seeds that will drastically undermine food security in general and food sovereignty and livelihoods in particular. It is also seen as a clear violation of the principles of life itself.
- Indigenous peoples, in particular in the arctic circle, are being contaminated with toxic chemicals present in all their foods, as outlined under ‘violations of rights to health and life’ above.
- The aerial spraying of herbicide tolerant GM crops, such as GM soya in Paraguay, with herbicidal pesticides have resulted in the contamination of water sources of small farmers nearby and in the contamination and even destruction of their food sources, including the death of their animals, thus bringing hardship and undermining their livelihoods.

### **3.3 Violation of the right to a safe and healthy environment**

#### **Loss of biodiversity, degradation of ecosystems and environment**

As outlined above, the toxicity of many agrochemicals is affecting the abundance and health of animals directly, such as bees and pollinators, amphibians, fish, as well as indirectly through the food chain, such as arthropod predators, birds, etc. Decline of species is also associated to the loss of their food source, from the

disappearance of weed and wild plants (e.g. milkweed, the food source of the monarch butterfly) to the disappearance of insects – due to their eradication by pesticides (including herbicides).

### **3.4 Violation of the rights of indigenous peoples**

#### **Threat to survival of indigenous peoples and their cultural and traditional practices**

Though not being the users of agrichemicals themselves, indigenous peoples are particularly affected by persistent toxic agrichemicals which accumulate in the environment and the food chain, with devastating effects on health and the way of life of indigenous peoples. These pollutants are passively transported to their environment through air and water (see above under threats to health). This is particularly the case for indigenous peoples living in the Arctic Circle, with a high level of pollution by persistent organic pollutants, as produced by Syngenta, Bayer and Dow. Not only do these chemicals accumulate in the region and hardly degrade due to the low temperatures, but everything that is linked to the lives of indigenous peoples is affected. All their ways of life, traditional practices and resources, including their food sources and their building and working materials, are intrinsically linked with the animals of the region, all of which are accumulating toxins to an alarming rate, in particular those higher up the food chain. A continuation of their way of life and practices threatens their very own existence and survival, yet forsaking it would equally threaten their livelihoods and their survival as peoples

The case of the arctic is also a most compelling case for the application of the precautionary principle: “The pesticides were never meant to be there, but they all ended up there”.

### **3.5 Violation of the rights of children and women**

Children and women are particularly affected by agrichemicals for a number of reasons. Children that run and play breathe more and inhale thus a higher dose of airborne toxins. They also are found playing near toxic dumps, as for example those in Mali, Senegal and Burkina Faso. Children’s bodies are also more vulnerable, as they are still growing. This was also evident for the Paraguayan boy Silvino Talavera, who died from toxic poisoning, with others surviving. Children, especially girls, also work in plantations, especially cotton plantations, some of which are for seed multiplication. In India, some 170,000 children below 14 are estimated to work in cotton plantations. This does not only affect their schooling, but also their bodies, due to long working hours and due to exposure to agrochemicals, which they mix and spray often without any

protection, or which they touch when involved in seed multiplication. In particular, exposure has been to endosulfan and monocrotophos.

Women are often preferred laborers for pesticide spraying as men are employed for other work in plantations. In fact women don't usually get any other work but spraying. Thus, women in particular are affected by pesticides like paraquat, as outlined above.

### **3.6 Violation of civil and political rights, the right to self-determination of peoples, the right to participation and information and the rights of human right defenders**

#### **Threats, intimidation, imprisonment, killing and discrediting of public interest activists, medical doctors and scientists**

The undermining of independent science and research and silencing of uncomfortable truth by powerful TNCs is widespread. Cases brought to the Tribunal included:

- The killing and serious injury by shooting of peasant farmer activists in Brazil when peacefully occupying a Syngenta testing site to prevent the sowing of GM seeds near the national park. "Keno" Valmir Mota was killed (shot in the chest at point blank range) and Isabel do Nascimento de Souza was seriously injured (with a bullet in her head).
- The harassment, defamation, threatening, imprisonment and/or legal suits of, amongst others: Dr. Irene Fernandez – Malaysia, human rights activist working with women plantation workers (e.g. paraquat, Syngenta); Dr. Romeo Quijano – Philippines, medical doctor and toxicologist; Dr. Tyrone Hayes – US, scientist on effects of atrazine; David Runroy – US, farmer; Dr Y.S. Mohankumar – India, medical doctor, working with endosulfan victims, harassed and sued by pesticide companies.
- Witnesses further testified that corporations have used personal harassment via radio; threats to life, livelihood and family spoken out loud or whispered into ears (prior to giving evidence/presentations); prevented scientists from public speaking, pressurized universities to cut funding and dismiss scientists; paid for counter evidence and for manipulated and untruthful data; brought legal suits and counter suits to silence critics (including by imprisonment) and tied activists (including farmers) in years of litigation; pressurizing or bribing politicians and officials and acting in collusion.
- Evidence has been presented on how the introduction of GM crops with patented proprietary seed has led also in US and Canada to the destruction of community relations with farmer turned against farmer, spying on each other, living under constant threat of investigation and legal suits from corporations, mostly Monsanto.

## **4. Qualification of the facts**

### **4.1 General framework**

How can it be explained that Transnational Corporations (TNCs) in the last four decades have acquired an enormous economic and political power which allows them as private organizations to exert considerable influence on politically legitimized institutions, to interfere into the regulatory framework, to disdain cultural traditions and to ignore the customs of the daily life of peoples? One reason simply is the growth in size of many TNCs, which exceeded by far the growth of the world economy, of world trade or of other economic indicators. The economic power of TNCs in world economic affairs outweighs the political forces of nation states or international organizations. Foreign direct investments outperformed the growth rates of domestic investment in most countries, as well as those of other economic variables, with the exception of the growth of the number and volume of transactions in financial markets. The other and closely connected reason for the importance of TNCs in recent times is the liberalization of markets and the deregulation of politics since the 1970s, ideologically driven by the so called “neoliberal counter-revolution”. The scene has been left to private economic agency, i.e. to TNCs.

On the background of these basic developments national legislation concerning labour or the environment has been deregulated. Protective rules to guarantee food security and safety - as well as other types of human security, as they have been elaborated in the context of the UNDP - have widely been dismantled. Market liberalization is good for the haves, it is bad for those people who need social protection against economic exploitation. The promise however always and everywhere was that liberalized markets are more efficient than regulated markets and that therefore the impact of liberalization and deregulation on the “wealth of nations” is a positive one. This proved to be an illusion – Adam Smith already knew that and empirical evidence clearly demonstrates it every day. Liberalization of financial markets, from the 1980s onwards, triggered one financial crisis after the other: first the debt crisis of the Third World in the 1980s, then the financial crisis of Asian and other emerging economies in the 1990s, followed by the “new economy”- bubble in the US and, since 2001 (due to the policy of cheap money of the US-American Fed), the subprime loan bubble which spectacularly exploded in 2008. Since then the world economy is in a deep depression.

Liberalization not only turned out to be a grand illusion, however. Free markets need a powerful and, therefore, authoritarian law-and-order state. Moreover, free markets open the doors to corporate innovations aiming at increasing corporate profits. Shareholder-value-strategies have been applied worldwide. Financial markets exert pressure on TNCs and other economic actors to constantly improve their performance, measured in terms of microeconomic criteria.

The dominant public opinion, influenced by TNC-sponsored “think tanks”, experts, the academia and the media has become more and more neoliberal and thus hostile to any kind of regulation, even protective rules to secure the health of people and of the environment. In such a business-friendly environment TNCs and other enterprises have been to a large extent free to realize profit-maximizing strategies without taking social and environmental rules, health concerns, long-term effects of short term profit maximizing strategies, cultural traditions and democratic procedures appropriately into account. This was demonstrated by the testimonies of many witnesses in the Tribunal.

At a first glance the era of free enterprise was a great success, not only for the TNCs but also for developing countries and the people concerned. Growth rates were high, the number of poor people until the middle of the first decade of the 21st Century decreased. The achievement of the Millennium Development Goals, agreed upon by the international community in 2000, appeared to be possible. New powers emerged in the economic and then also in the political realm, above all the BRIC-countries: Brazil, Russia, India and China. The power structure of the world changed in favor of the formerly so called “Third World”. But this rapid development had a high price: Inequality in the world also grew to a politically intolerable extent and therefore the conflict-riddenness within and between nations and classes also increased. Today, FAO complains that the number of hungry people in the world is trespassing the one billion-threshold although the Millennium-declaration of 2000 targeted a 50% reduction of hungry people by 2015. Hunger therefore is present in many parts of the world, especially in poor rural areas as many witnesses also testified.

The impact that the fast economic growth of the first decade of the new century had on the natural environment was also disastrous. It added new loads of harmful and even dangerous emissions on natural systems and it continued the plundering of natural resources. Scientific research has shown that the cumulative environmental effects of economic growth and modernization in industry as well as on the countryside (“Green Revolution”), have led mankind to “planetary boundaries”, some of which have been trespassed. Climate change and the foreseeable climate catastrophe are not the only boundary, although today the most important and most disputed one in the global discourse arena. A quotation from the abstract of a preliminary study of concerned scientists from different disciplines and countries on “planetary boundaries” shows the relevance of the effects of economic growth for agriculture, the production of food in the future, biodiversity and the evolution of life on earth:

“Anthropogenic pressures on the Earth System have reached a scale where abrupt global environmental change can no longer be excluded. We propose a new approach to global sustainability in which we define planetary boundaries within which we expect that humanity can operate safely. Transgressing one or more planetary boundaries may be deleterious or even catastrophic due to the risk of crossing thresholds that will trigger non-linear, abrupt environmental change within continental- to planetary-scale systems. We have identified nine planetary boundaries and, drawing upon current scientific understanding, we propose

quantifications for seven of them. These seven are climate change ( $\text{CO}_2$  concentration in the atmosphere  $<350$  ppm and/or a maximum change of  $+1 \text{ W m}^{-2}$  in radiative forcing); ocean acidification (mean surface seawater saturation state with respect to aragonite  $\geq 80\%$  of pre-industrial levels); stratospheric ozone ( $<5\%$  reduction in  $\text{O}_3$  concentration from pre-industrial level of 290 Dobson Units); biogeochemical nitrogen (N) cycle (limit industrial and agricultural fixation of  $\text{N}_2$  to  $35 \text{ Tg N y}^{-1}$ ) and phosphorus (P) cycle (annual P inflow to oceans not to exceed 10 times the natural background weathering of P); global freshwater use ( $<4000 \text{ km}^3 \text{ y}^{-1}$  of consumptive use of runoff resources); land system change ( $<15\%$  of the ice-free land surface under cropland); and the rate at which biological diversity is lost (annual rate of  $<10$  extinctions per million species). The two additional planetary boundaries for which we have not yet been able to determine a boundary level are chemical pollution and atmospheric aerosol loading. We estimate that humanity has already transgressed three planetary boundaries: for climate change, rate of biodiversity loss, and changes to the global nitrogen cycle. Planetary boundaries are interdependent, because transgressing one may both shift the position of other boundaries or cause them to be transgressed. The social impacts of transgressing boundaries will be a function of the social–ecological resilience of the affected societies” (J. Rockström et al., 2009, <http://www.ecologyandsociety.org/vol14/iss2/art32>).

Several of these boundaries are violated by the activities of agrochemical TNCs. This means that they not only influence living and working conditions of local populations but also exert a considerable influence on the global environment. The statement of the so called “resilience alliance” therefore can be read as an “early warning” and as a hope that the “lessons learned” are not coming too late. “Peaks” of the availability of resources are another limit to growth. Peakoil perhaps is the most shocking one because a world without or with very expensive oil requires a deep economic, social and political transformation on a global scale – and the world is not prepared to draw the adequate conclusions. And Peakoil is approaching quickly, as the International Energy Agency (IEA) in its World Energy Report of 2011 clearly detects, years after the early warnings of scientists allied in ASPO (Association for the Study of Peak Oil and Gas).

The statement of the “resilience alliance” mentions the reduction of biodiversity as a boundary. It already has been reduced to an unacceptable extent. Although less spectacular than climate change, the disappearance of bees is dramatic alike. Bees are pollinators, indispensable for eco-, and above all, food-systems to flourish. The testimonies of witnesses convincingly showed that, due to monocultural agriculture and the concomitant use of industrial machinery in agriculture along with the application of fertilizers, pesticides etc., the extinction of bees has already occurred to a large extent in many places of the world (in the USA, in Europe, in Argentina and elsewhere) and that it will continue, unless the extinction of bee-feeding plants stops.

Without bees the harvest of many marketable products, from corn to fruits, will diminish dramatically, not to mention wild flowers and plants and the long term effects on biodiversity and the evolution of life on Earth.

A technical witness who reported to the Tribunal his findings on the possible effects of an irreversible extinction of bees as a consequence of the intensive use of pesticides in agriculture, warned that tipping points of regional and even continental eco-systems can be reached unless the application of pesticides in agriculture is halted.

However, profit-related interests have priority and, concomitantly, people's rights come second, behind property rights and the prevailing rights of appropriation. During the last decades a corporate system has been set up, which is based on so-called "accumulation by dispossession" (David Harvey): appropriation of returns on capital by exploiting men and nature, violating human rights and disabling people, by disregarding and impairing nature, thereby undermining the capabilities to create a humane future. The repercussions on human rights are disastrous as nearly all witnesses explained. The effects are so serious because the economic activities of agrochemical TNCs undermine all dimensions of human security: environmental security, socio-economic security (as defined by the ILO), health security, food security and safety, shelter, public security and also political security. Without these securities human development, as it has been conceptualized by UNDP since the beginning of the 1990s, is not possible. As a result, the room for the protection and the strengthening of human rights is shrinking. When human inclusive political rights of people are challenged by powerful actors, such as TNCs, democratic participation is difficult or even impossible. Power which might be constitutionally constrained turns into violence. Many witnesses from all parts of the world complained about the rising level of violence in the countryside. The TNCs and their allied forces, such as private militias and para-military groups, parts of the police and commercial security forces, are responsible for the state of insecurity in rural areas of many countries of the world. The state apparatus very often is in collusion with TNCs and with groups responsible for the violence, not least because the state personnel is bribed or blackmailed. Petty and grand corruption alike succeed and bring the framework into perfection, whereby the wrongdoings of TNCs, broadly documented by the witnesses and summarized in the indictment, occur while impunity becomes a normal systemic reaction, so bitterly frustrating for the people concerned.

#### **4.2 The social costs of agrochemicals**

The information provided by the witnesses leads to the conclusion that the key issue at stake is the continuous generation of social costs by the TNCs involved in the production of pesticides and of genetically engineered crops. The generation of social costs consists in the shifting of the corporations' private costs onto individuals, communities or humanity as a whole. The private costs that the corporations would have to incur are related

to: the introduction of appropriate technologies to avoid the dramatic health effects that the production and use of pesticides and other agrochemical products has on people; the fostering of independent research to identify and prevent such effects; the giving up of all lobbying efforts that prevent public authorities from forbidding the production and use of dangerous agrochemicals.

The resulting social costs include: the undermined health that individuals have to suffer because they live near, or possibly work in, fields where pesticides are used; the physical and mental handicaps that children suffer because they are born from parents who live in the above conditions; the employment and income effects that workers - and their households - suffer because, owing to their undermined health, they cannot work anymore. The impoverishment that these effects lead to is a pressure on children to contribute to their families' income. Consequently, not only do the children directly suffer the consequences of the above costs, in that they are obliged to forsake their schooling; their communities – and their country – also lose the opportunity to upgrade their overall level of education, what is sometimes termed their 'human capital'.

Communities also suffer other social costs from agrochemicals. These costs include the disruption of the provisioning process, thus of all the traditions and culture that are associated to it. In some cases – as, for instance, in Argentina - this is the result of the substitution of a varied production of crops with monocultures. In others – as, for instance, in the Arctic regions - it is the consequence of the progressive accumulation of poisonous substances in the animals and plants that provide a people's standard diet. In others still – litigations in the USA concerning the presumed illegal use of genetically modified seeds – it is the increase in the mutual distrust among farmers and, consequently, the progressive disruption of the community.

While it is more than reasonable that diets, traditions and culture should change over time and that there is no reason to stick to the past for its own sake, it is important that these changes be chosen by the communities rather than imposed upon them by business decisions.

Social costs from pesticides also relate to humanity as a whole. The poisonous effects of pesticides act on the food chain, thereby potentially affecting anybody. While this circumstance may act on some sections of humanity before, or rather than, others, another circumstance may have potentially dramatic consequences for everybody: it is the possible end to pollination that would result from the persistence in the decline of the bee population.

The above depicted social costs occur because the companies that produce pesticides do not care to prevent or avoid the costs of health security for people and for the eco-system in general. In some extreme cases, they may be willing to monetize the above social costs. It is, however, clear, that the loss of health and the disruption of a social environment are costs that in no way can be monetized. They preclude the possibility to live a decent life. They reduce the freedom that people have in choosing how to conduct their lives. In so doing they ultimately condemn those people to the loss of their future. When companies try to avoid legal



consequences for their action by paying out sums of money, they are reasserting the view that the people involved are expendable and disposable forms of life, mere commodities.

These companies are responsible for the above actions, because they cannot be unaware of the dramatic effects that their products have on people and on nature. They are responsible because they put pressure on governments to avoid restrictions on their activities and because, when restrictions do exist, the companies involved try to bypass all regulations and, in some cases, break the law. Finally, they are responsible because they attempt in all ways to withhold whatever information concerning these matters would endanger their business.

A major problem pointed out by the witnesses was precisely the lack of information. It is of great importance to point out that information is not only at the root of any economically relevant choice. It is also a prerequisite for the freedom to choose how to conduct one's life.

Most of the people who suffered the direct consequences of pesticide poisoning were not aware of the danger that the use of those products involved. In some instances they were precluded access to whatever information was available; in other instances, the employers took advantage of the inadequate education of the workers, who could not read or appreciate the available information. Thus, those workers were in a situation whereby they could not claim their rights or even knowingly choose whether to leave their jobs or not.

Information problems also exist for educated people. When the scientific community has produced enough evidence to ascertain the danger of a specific agrochemical product, advertising and lobbying provide a biased view so as to justify the claim that no restriction is required. When uncertainty still exists, in that not enough research is available, strategies may vary. Some companies finance researches only when they are exclusively consistent with their interests. If this is not possible, they restrict access to information in order to preclude independent research. When such a research is nonetheless carried out, they invest in 'doubt creation' by suggesting that either the scholars who conducted the research or the research itself are scientifically unreliable. In some particularly grievous cases, they harass scholars in order to 'convince' them not to persist in that field of research.

The action of the companies is often complemented by government policies. An inadequate amount of public research funding prevents independent research from being carried out. It also forces universities and research institutes to rely on private funds. The implication is that companies are willing to finance these institutions but only subject to the – not necessarily explicit – requirement that research be consistent with their interests.

The unavailability of public information makes a perverse product cycle possible. It provides the companies with enough time to produce and market a pesticide, thereby recovering the investment they made to develop it. When enough evidence proves that the pesticide is unacceptable and must be banned, they will presumably have had enough time to devise a variant which may be even more dangerous but that can be marketed for as long as there is no reliable information to justify its restriction.

These information problems are strongly dependent on the principle whereby it is those who take action against a pesticide that must prove its harmful effects. The introduction of the precautionary principle may not be sufficient to avoid the above social costs but it is certainly a necessary requirement.

Information, however, relates not only to the nature of the products and to their effects. The lack of such information makes it ever more difficult for people to establish proper connections between the economic activity they are involved in and a range of circumstances that appear to them as independent: this is the case with the mutual spying and increasing distrust among farmers in the USA just as with farmer suicides by indebted farmers in India. The segmentation of information determines a segmentation of knowledge, i.e. of how people understand what is going on. It consequently prevents communication, sharing of understanding and collective deliberation. The resulting segmentation of society, whereby people do not understand that they are all involved in the same process and are unable to seek solutions, ultimately determines a monopoly of power.

The social costs arising from the purposeful withholding of information imply a difficulty in assessing the direct responsibilities for the negative effects of agrochemical products. While it is intuitive that the mother firms of the TNCs that produce – or simply hold the property rights to – these products are responsible, other actors may be involved. Local agricultural producers, the final users of the pesticides, may often use the pesticides in particularly dangerous ways. The subsidiaries of the TNCs - or firms in the host country which are not owned but nonetheless related to the multinationals - may behave in much the same way as the companies in the home countries.

Quite independently of information, the strategies of the pesticide producers may be enhanced by governments and international institutions such as the World Trade Organization, the World Bank and the International Monetary Fund. This is especially the case when they are organized in such a way that they artificially separate economic and agricultural issues from health and livelihood issues. Such a functional division of labor often reflects the idea that these issues are either independent of each other or on the same standing. It tends to neglect that output and income are, at the very least, a means to livelihood whereas health is a major dimension of livelihood. This confusion provides legitimacy to the view that there may be a tradeoff between business requirements and basic human rights, thereby allowing a market for justice and human rights to exist. It is this same confusion – which is obviously functional to the interests of the corporations – that prevents intellectual property rights from being assessed in the light of the human rights they impinge upon.

Emphasis on such a division of tasks is often coupled with a misleading emphasis on specialization, which involves that the people who are most capable to assess the appropriateness of agrochemical products are supposed to be those who work for the agrochemical industry. The ensuing ‘revolving door’ practice leads to the continuous defense of the vested interests of the companies, at the expense of the people who are

negatively affected by their products. It also reduces the autonomy of governments, making them hostages of the companies.

The failure of governments to contrast the dominant role of corporations such as the agrochemical TNCs tends to increase distrust towards their potential role and towards the polity in general. It eventually reinforces the ideology whereby governments are the problem and markets – i.e. those same corporations that originate the problem – are the solution. This aggravates dispersion within society and prevents the achievement of a common understanding.

A further element of concern has to do with the intellectual role that social scientists have in favoring, albeit in good faith, the interests of these companies. With special regard to economists, this occurs when they fail to acknowledge that actual markets are characterized by strong and persistent power asymmetries: a case which emerged from the witnesses was an individual who was sued by a pesticide producer. Although he was certain that he had abided by the law, he nonetheless ran the risk that if he lost, he would have had to pay an enormous amount of money. The suing company, on the contrary, could fairly easily afford to lose the lawsuit. This neglect of asymmetrical power leads to the corresponding neglect of the need for countervailing powers to contrast the predominant role of the pesticide producing companies.

A second issue that tends to be neglected is the merely instrumental function that economic growth has for the well being of people. When growth is pursued at the expense of the quality of life of the people concerned, there is obviously something wrong that economists should deal with. A great deal of literature has pointed out this issue. It is remarkable that, despite the dramatic social and environmental consequences of agrochemical companies, this need be recalled.

### **4.3 The impact of the exposure to pesticides on the health and life of individuals and populations**

The overall evidence available to the PPT on the impact that the acute and chronic exposure of human beings (individuals and populations) to pesticides has on their health and lives include:

- data presented orally during the public hearings by individuals who have directly suffered and/or witnessed exposure;
- reports of technical witnesses on direct experiences, as well as on the critical analysis of data published in the international scientific literature (experimental, toxicological, clinical, epidemiological);

- written material included in the dossier made available to the PPT;
- findings of surveys of the literature conducted independently by the Secretariat of the PPT, upon the acceptance of the indictment by PAN.

The unsatisfactory and far from homogeneous characteristics of the documentation in the areas considered in the indictment clearly appear in the documents issued by international agencies (e.g. WHO, IARC) and regulatory authorities (e.g. FDA, EPA, EU; individual governments; states within countries) who have taken highly variable and contradictory decisions concerning the withdrawal or restriction of use of one or the other of the pesticides and GM modified substances specifically submitted to the attention of the PPT.

While it is clear that the available data cannot be considered sufficient to provide a quantitatively precise documentation of the casual relationship between the various types of exposures and their fatal and nonfatal effects, it is nonetheless important to point out that:

- a judgment on the existence and relevance of violations of the human rights to health and life does not depend on quantitative criteria;
- the extreme confidence intervals reported for the estimates of the world-wide extension of nonfatal and fatal events (e.g. from 1 to 41 millions; an order of + or – hundreds of thousands, respectively), de facto document “beyond any reasonable doubt”, with their dimension, the existence, the consistency and the systematic nature of a massive and dramatic impact of the overall toxicity of the substances under consideration;
- the highly variable spectrum of decisions taken by the regulatory authorities, with respect to the withdrawal or the restriction of use is a further proof that we are facing a severe public health problem, which must be matched by consistent decisions with regard to prevention, protection and the reparation of the populations and individuals exposed to an unacceptably high risk. In whatever area of public health, comparable conditions of risk would be considered unacceptable and a clear evidence that individual and collective rights to health and life security are being violated.

A further – and clearly worrying and aggravating observation has to do with the overall quality of the available technical-scientific literature, characterized by:

- an impressive proportion of data directly or indirectly sponsored and/or controlled by the producers of pesticides and GM materials;
- the difficulty, approaching the impossibility, to access the information in the hands of the producers;

- the uniquely (compared to other sector of health-related sciences) scarce availability of basic, toxicological, clinical and epidemiological research that can be considered (according to universally accepted criteria in all fields of science) independent, i.e. not substantially biased by direct or indirect conflicts of interest;
- the methodological inadequacy of most research designs and interpretative criteria for the findings. These are proposed as “reliable proofs” or evidence, despite the absence of a truly open, multidisciplinary scientific debate, where all the concerned parties (and not only selected experts) can play a role (without the further difficulty of being directly or indirectly threatened and harassed);
- the documentation made available by the most respected international literature over the last several years, in a closely related field such as that of the exposure to drugs (which is even more significant, because much more formally “controlled”), shows “beyond any reasonable doubt” what the implications of a research controlled by the producers are: not only the results (even those submitted and approved by the most respected regulatory authorities) can be radically biased and misleading: they can be hidden, manipulated, proposed to the public as formally false information, thereby leading to true epidemics of fatal events, even in highly “developed” and respected societies such as the USA and France (just to mention the most dramatic and recent events, which have led to hundreds of “avoidable” deaths).

The overall picture which emerges from the evidence made available to the PPT may be therefore summarized in the following points:

1. Pesticides appear to be basically, when not exclusively, considered as commodities, whose production, use and assessment is determined in merely market terms: their relation with human health and life is seen as an unavoidable but marginal side effect;
2. The systematic disregard of human health- and life-related effects is all the more hideous in that the individuals and populations that are almost exclusively affected are those who are already disadvantaged from the social and economic point of view: the toxicities of pesticides add to, and aggravate, the violation of their dignity, which is also threatened and affected by violations of their right to nutrition;
3. The specifically outrageous nature of the risks imposed onto individuals and populations by current pesticide-related strategies is made even more intolerable by the advertised claim that they may fulfill the basic right to food, a claim that is far from being substantiated by hard data.
4. The effects that the strategies of the agrochemical TNCs have on the health and life of individuals and populations must also be considered in relation to their broader impact on the structure, the

cohesion and the security of the communities that are deprived of their rights to food sovereignty and to overall self-determination.

5. The dramatic scenario of the suicide epidemic of Indian farmers (by tens or hundreds of thousands? The “estimates” prevail once more on the documented visibility of, and accountability for, the violated individuals and populations) is a concrete and symbolic synthesis of all the above issues: the literature on them is immense. In the absence of a systematic and collaborative research effort to provide a comprehensive and broad understanding of this phenomenon, the priority given to a research that is basically focused on biochemical mechanisms at the level of brain mediators and receptors appears to be an insulting simplification. It ultimately denies that they are dramatic “fatal” sentinel events of the violation of individual and collective rights to a humane life.

## **5. Global justice. Human Rights and Justice in the Perspective of Violated Humans**

### **5.1 Prefatory Remarks**

The oral testimonies presented by the adversely affected persons suggest that for them human rights mean the right to *be* human and to *remain* human. This means at least a right to be recognized as fully human by states, and aggregations of technoscientific capital - TNCs, international regional financial institutions, and direct foreign investors.

Being and remaining human means thus that persons, communities, and peoples may not be regarded as ‘factors of production’ or as docile and disposable bodies, or as territories and resources for global capitalist development. Indeed, witnesses claimed that such development violates their inherent dignity – an acknowledgement of their inherent worth and capabilities. It is remarkable that this understanding accords fully well the cornerstone of the Universal Declaration of Human Rights [UDHR] --- the right of all those born as humans to ‘inherent dignity’ (Article 1).

### **5.2 TNCs and Human Rights**

TNCs and related business formations read human rights as creating binding obligations for states and not for non-state actors. They acknowledge that corporate governance and conduct ought to be socially ‘responsible’ but not in ways commensurate with internationally accepted human rights norms and standards.

Corporate social responsibility (CSR) had several *avatars*. For a long while CSR stressed that business and industry have obligations to shareholders. In recent decades, CSR speaks the language of responsibility towards ‘stakeholders.’ Further, CSR now also speaks of TNCs as being ‘global citizens.’ In sum, CSR stands for industry – specific forms of self-regulation taking often the form of codification of best industrial practice. However, and regardless of the overall efficacy of CSR, the evidence before the Tribunal overwhelmingly shows that CSR forms do not extend at all to agrochemical and agribusiness industries.

The imagery of corporate global citizenship has affected a minor change of TNC approach to human rights. We refer here to the ‘Global Compact’ – a form via which the United Nations seeks to persuade major TNCs to accept and adopt some human rights norms and standards in corporate governance. The way the Global Compact operates minimizes even the obligations to respect self-selected obligations because no more is required than posting on a website an annual record of compliance! This is why leading scholars in the field have used the description: ‘*Global Compact/Little Impact!*’

A major difficulty with the Global Compact is that it is based on the principle that human rights norms and standards do not apply to TNC conduct — a premise which has been vigorously contested before this Tribunal.

TNCs and related business entities claim access to a set of core human rights, owed to them as legal or juristic persons. They claim an exacting respect for their human right to ownership of property and freedom of contract, and other associated rights (such as the right to earn profits, and to the protection of business reputation and honour). Since the advent of global neo-liberalism the TNCs and other entities also claim some extended right to *de-regulation* (in terms of freedom from governmental interference in doing business) and also a right to *re-regulation* (a) securing a ‘level playing field’ for competing business interests, (b) strict protection of a right to trade secrecy and (c) the new intellectual and industrial property rights extending to genetically mutated new forms of life and artificial intelligence.

At the same moment, TNCs and related entities remain preoccupied with strategies of denial of the basic human rights and fundamental freedoms to persons/peoples adversely affected by their activities and operations. Sections 3 and 4 document the enormity of human rights violations by six indicted TNCs - the exclusion of informed consent by local and indigenous peoples in sitting ultrahazardous manufacture, applications, process or industry; planned failures (active concealment) in disclosures about toxicological and epidemiological impacts; misleading advertisement and labeling practices; witness intimidation and harassment of dissenting scientists and human rights/social movement activists; lobbying governments for human rights development based policy and regulation.

The evidence before the Tribunal furnishes a poignant archive of acts of commission and omission via which stand denied, even negated, the basic rights of others to life, livelihoods, health and safe environment. Additionally, TNCs and allied entities continue to stifle the voices of suffering; put differently, the violated peoples’ basic right to freedom of speech, association, and movement. Evidence before the Tribunal suggests

however that agrochemical and agribusiness TNCs have used all manner of means to harass and intimidate dissenting scientists and to sue human rights and social movement activists for defamation via SLAPPS (strategic legal action against public participation suits). The ‘chilling effects’ of this corporate strategy need to be studied further; yet it is clear that in the eye of the CEOs this remains a major weapon.

### 5.3 The Development of the Right to Development

The UN Declaration on the Right to Development (1985) crystallizes several new human rights. It proclaims that all human beings have an ‘inalienable right to development’. And by ‘development’ is meant a process that ought to lead to the full realization of ‘all human rights and fundamental freedoms’ (Article 1). Further, Article 2 (3) acknowledges that such a model of development planning remains insensible outside ‘active, free, and meaningful’ participative process; development conceived as an ‘eradication of social injustices’ by ‘appropriate economic and social reforms’ and further ensuring a ‘fair distribution of income’ (Article 8) may not be achieved outside public participation.

Further, states stand now obligated to take steps to ‘eliminate obstacles to development resulting from failure to observe civil and political rights as well as economic, social, and cultural rights’, since human rights form a seamless web of interdependence and indivisibility (Article 6 [2]) The Declaration further insists that individual persons and people as a whole ought to be regarded as subjects, not *objects*, of development.

It must be here noted fully that the UN has taken further substantial step to develop the right to development. A distinguished economist (Arjun Sengupta) acting as a Special Rapporteur to the development of the right to development has developed a number of component rights and in the process has marshaled crucial consensus in the General Assembly to implement the core obligations of the Declaration as an aspect of national jurisprudence, specifically in the Global South.

We mention all this because in a remarkable sense, this is precisely what the violated peoples asked the TPP to consider. We present this convergence as follows:

- Each one of the violated persons’ testimony articulated a concept of development as a process that ought to lead to the full realization of ‘all human rights and fundamental freedoms’ and pointed out the ways in which agrochemical and agribusiness formations transgress and de-nature this conception of development.
- They further cogently demonstrated how the overall postures of globalization and neoliberal policies effectively prevent ‘appropriate economic and social reforms’ and aggravate social injustices and economic inequity.



- ‘Active, free, and meaningful’ participative process emerged in the testimony as leitmotif of just and human development policies, and programs. This has been thoroughly negated by the indicted parties
- Further, the right to participation was also extended in the hearing by contesting governmental and intergovernmental monopoly over definitions of public interest or common good. Like the UN Declaration on the Right to Development the affected peoples and expert witnesses before the Tribunal insisted that ‘development’ cruelly miscarries when not suffused with elements of ‘active’ and ‘meaningful’ public participation at all levels of development decisions, especially as concerning ultrahazardous process, application, manufacture that not merely places human lives and livelihoods at stake but also affects future generation and the human-environment relationships.
- The testimony of affected peoples as well as expert witnesses fully interrogated the delinking between international economic law and jurisprudence and international human rights law and jurisprudence. Trade and business are *social*, not *pre-social* enterprises; further, the search for profit and power ought never to amount to *anti-social* conduct, action, or performance.

On the evidence before it, the Tribunal *finds* that global business generally, and agrochemical and agribusiness specifically, operates in a Hobbesian state of nature of war against Nature and the already worst-off humanity. The *recommendations* of the Tribunal point to a need of a new global social contract which, while respecting the rights of trade and business, seeks to set out some basic human rights thresholds which may not be said to place any unreasonable limits to research, innovation, and ways of doing global business. In this content, we also wish to draw attention to aspirational human rights declarations – from the UDHR to the Ogoni Peoples and Zapatista Declarations to the Cochabamba Declarations of the Rights of Mother Earth, 2010. Not to be ignored of course are the treaty-based international human rights regimes and the environmental human rights.

#### **5.4 Approaches to Global Justice**

Many testimonies spoke also in terms of *global justice*.

It was fully brought to the attention of the TPP that all too often suffering peoples find it difficult to articulate the violation of their human right to be and to remain human via the languages of contemporary human rights. Legalization/judicialization of human rights, while necessary, also often means that those adversely and at times catastrophically affected by ultrahazardous manufacture, process and industry coincide with impunity. In many situations of mass disasters (such as Bhopal) place themselves effectively out of jurisdiction of host states and in the rare event that the violated peoples invoke the home state jurisdiction of the TNCs they

successfully persuade their courts that no public interest will be served by civil suits for harm and damages because the place of harm remains distant, all available lies at that place, and the responsibility, if any, belongs to their local and regional management in no way controlled by the parent TNCs. One scholar has named this approach as ‘convenient catastrophe and ‘inconvenient forum.’ In the name of trade secrets, vital information about toxicological and epidemiological is held back from host governments and affected people, complicating legal evidence of causation of harm, suffering, and loss. Very often ludicrous settlement sums are offered (as for example in Bhopal catastrophe the initial offer of settlement was US\$ 100 million to a final offer of US\$ 240 million, even when the Government of India proceeded to sue the Union Carbide Corporation for a damage amount of US\$ 3 billion)! In any event, settlement negotiations and offers seem not to be guided, to say the least, by any norms and standards of the so-called corporate social responsibility.

Many studies of mass disasters describe vividly a state of affairs in which mayhem, and even killing, of people is made to go un-redressed and un-punished, TNC claims towards CSR, ‘good’ corporate governance, ‘compliance with the ‘Global Compact’ stand constantly belied by the immunity and impunity they thus constantly claim. The overwhelming fact remains, according to the evidence presented to the PPT (See above Section 1. For the consultation of the full text of the relevant Verdicts/decisions of the PPT, see [www.internazionaleleliobasso.it](http://www.internazionaleleliobasso.it)).

Further difficulties for TNC induced /caused victims/violated peoples stand posed by national legal orders unable to curb the market for legal services, which remain a sellers’ market out-pricing any effective redress. TNCs which otherwise celebrate their *corporate human rights to level-playing fields remain united in denying similar advantages to the violated peoples. They claim fully due process rights which they fulsomely deny to the constituencies of peoples affected by their own pursuit of profit and power at any and all costs.* To say this is not to deny TNC legal standing or rights in situations even of mass disasters or human rights catastrophes. By the same token the question concerning denial of even tattle of justice to adversely affected persons and populations always remains. There is not a shred of justification offered, even at their very best, by CSR and ‘Good’ corporate governance to claim the spheres of immunity and impunity, *as if human rights languages of responsibility do not at all exist!* The PPT sessions thus far have *rightly and justly* contested such zones of immunity and impunity.

This raises manifold allied concerns such as:

- Forms of ‘state capture’ (this issues is discussed in great detail, and by making reference to its different form and implications in the Verdicts/decisions of the PPT quoted above).
- TNC -friendly 24/7 type ownership of mass media.
- Ways and means of judicial globalization via especially the manifold programmes of judicial education.

- Capturing legal education and research towards hyper-globalizing ends.

Regardless, the Tribunal received articulate evidence urging that human rights languages, logics, and paralogics, may be further supplemented by recourse to those of global justice.

The Tribunal finds this appealing in the following ways:

- In a heavily globalizing world, rendering porous borders and boundaries, ‘justice’ may not any longer be conceived of in terms of state-responsibility (and domestic politics).
- Hyper-globalization creates also a ‘global risk society’ where hazards no longer respect national boundaries, ideological formations: thus within the space of 18 months occurred Bhopal, Chernobyl, and the Sandoz chemical factory fire in Basle, with long term impacts on human futures and the future of human rights.
- Global risk society now poses new threats to planetary survival.
- Contemporary human rights values, standards, and norms remain important but scarcely provide adequate conceptual languages to meet these challenges.

We heard the voices of the violated peoples as saying that we ought to interrogate the *justice-qualities of human rights claims urged by and on behalf of a newly formed ‘corporate legal humanity’*; put differently, this new ‘humanity’ now insists on a paradigm of *trade-related, market- friendly human rights of TNCs and their cohorts pitted against the UDHR paradigm urging equal respect for all human beings*.

Tasks of justice invite reflexive deliberation to justice across boundaries, especially directing attention to obligations towards intergenerational justice. The indicted corporations and governments, as well as other related parties, need to fully attend to the long term hazards now constituted by agrochemical and agribusiness corporations, as a problem of *global injustice*. Indifference to the problem of justice as a platform of rights aggravates the conversion of the entire humankind, life forms and objects in Nature, into a ‘community’ of *hurt and harm* and of *danger*. More fruitful interaction is needed between theorists of global justice and the communities of suffering individuals than now at hand. Towards this end, we make several recommendations later in this judgement.

## 6. Findings

The Tribunal makes the following declaration of responsibility for the six indicted TNCs and three Governments in particular and further also declares the responsibilities of all States, international organizations, UN Specialist Agencies, all other institutions of global governance.

AS CONCERNS THE INDICTED SIX CORPORATIONS (BASF, BAYER, DOW CHEMICAL, DUPONT, MONSANTO)

- The Tribunal finds on all evidence presented before it, the six TNCs *prima facie* responsible for gross, widespread and systematic violations of the right to health and life, economic, social and cultural rights, as well as of civil and political rights, and women and children's rights.
- The Tribunal further finds that their systematic acts of corporate governance have caused avoidable catastrophic risks, increasing the prospects of extinction of biodiversity, including species whose continued existence is necessary for reproduction of human life.

AS CONCERNS THE THREE SPECIFICALLY INDICTED STATES

The United States of America (USA), the Swiss Confederation (Switzerland) and the Federal Republic of Germany (Germany) have demonstrably failed to comply with their internationally accepted responsibility to promote and protect human rights, especially of vulnerable populations and their specific customary and treaty obligations in the sphere of environment protection in the following ways:

- The three States, where six corporations are registered and headquartered, have failed to adequately regulate, monitor and discipline these entities by national laws and policy; the concerned States have not as fully respected the human rights of freedom of speech, expression, and association of citizens and persons within their own jurisdictions protesting against the moves towards a Second Green Revolution, not having learnt the lesson of the First.
- The concerned States have unjustifiably promoted a double standard approach prohibiting the production of hazardous chemicals at home while allowing their own TNCs and unrestrained license for these enterprises in other States, especially of the Global South
- In this way, these need to respond more fully than is the case now to the imperatives of global justice that they otherwise so fulsomely promote.

## AS CONCERNS HOST STATES

- The Tribunal finds that for technology-importing States (the Host States) there is no justification for any pursuit of accelerated economic development which puts at grave and sustained long-term risk thus grievously posed for the natural resources and the affected populations. The global South States have a remarkable record in preventing, for example, an ever more expansive regulatory presence of the WTO and in their authorship (and further development) of the UN Declaration on the Right to Development.
- The magic carpet type hospitality offered to hazardous TNCs sits in complete contrast with its otherwise progressive international leadership in some global arenas.

In particular, the Tribunal finds the Host States fully responsible for:

- Not adequately protecting human rights and social movement activists from vexation and harassment.
- Not adequately protecting independent scientists who on serious scientific research demonstrate severe future risks inherent to the development and distribution of chemical substances and process.
- Not taking all necessary steps to limit the global corporate ownership of knowledge production in universities and related research sites and not recognizing the value of ingenious knowledge and social relationships they create and sustain.
- Not fully pursuing alternative and less hazardous forms of agricultural production without having learnt the full lessons from the First Green Revolution.
- Not honoring obligations arising from ILO Conventions and Recommendations, especially concerning unfair labor practices such as avoidance of slave and slave-like employment practices, fair and living wage, decent and safe conditions of work, and the right of association, movement, and freedom of speech and expression of the organized and unorganized labor and, *further*, not repudiating, in actual effect the obligations arising from the Child Rights Convention

## AS CONCERNS THE UN SPECIALIST AGENCIES

The Tribunal finds that:

- Some of the policies especially of the WHO, FAO and ILO are not fully responsive to the urgency of regulation and redress, as articulated by suffering peoples, and human rights and social movement activist groups and associations. A more proactive role is especially indicated in the field of

hazardous agrochemical and agribusiness TNCs. Further, the UNESCO ought to take expeditious and effective steps for protection of academic and scientific freedom of researchers and specialists who raise justifiable alarm over the long term impact of pesticides, herbicides, and other products.

## AS CONCERNS GLOBAL GOVERNANCE INSTITUTIONS

The Tribunal finds that:

- The policies of WTO in relation to Intellectual Property Rights, especially the hard regime of patent protection is not balanced with any sincere regard for the grave long-term hazards to humans and nature already posed by the activities of agribusiness and agrochemical industries.
- The international financial institutions have yet to develop policies concerning their support for hazardous manufacture, application, or process: it is not entirely clear why a strict regime of human rights conditionalities is as yet not contemplated in this regard.
- Institutions of global governance have almost altogether failed to play a more proactive role in protecting human rights and social movement activists from vexation and harassment, and to be more responsive to task of regulation and redress as articulated by suffering peoples, and human rights and social movement activist groups and associations. Especially, these institutions ought to take action to restructure international law so as to make the agrochemical corporations accountable for their activity and products.
- Though not being the users of agrochemicals themselves, Indigenous Peoples are particularly affected by persistent toxic agrochemicals which are passively transported to their environment through air and water and accumulate in the environment and the food chain with devastating effects on health and the way of life. This is particularly the case for Indigenous Peoples living in the Arctic Circle, exposed to high levels of persistent organic pollutants, as specifically produced by Syngenta, Bayer and Dow. Institutions of global governance should be particularly sensitive and responsive to the long term effects of such accumulation.

## 7. Recommendations

The specific strength of the decisions of the PPT are rooted, beyond their consistency with the jurisdictions which have human rights as normative framework and guidance, on the struggles and commitments of all those who recognize that declarations without implementation of rights are the worst trap for the victims. In

this sense, the recommendations which follow are a further expansion and clarification of the verdict, as they make all the mentioned stakeholders responsible for assuring the highest priority to the compliance with the duties which are underlined.

The Tribunal recommends:

#### TO NATIONAL GOVERNMENTS AND STATES

- Not to ratify any new trade or investment agreement proposed on the basis of asymmetric bargaining positions and without regard for human rights norms, and not to renew existing agreements of this kind when they expire.
- Contractual negotiations directed towards maximizing direct foreign investment should fully avoid granting immunity to agrochemical companies from criminal liability under national law.
- Legislations and related acts of public policy should remain fully committed to an unyielding adherence to the precautionary principle.
- In thus implementing the precautionary principle, national governments should accord dignity of discourse to the voices of adversely affected communities and peoples.
- When such communities are able to demonstrate the initial threshold burden about the ways and means – the acts of TNCs commission and omission — the burden of proving otherwise must shift to the accused TNCs and their allied entities who need to fully prove why no civil or criminal liability may exist for ultra-hazardous process, application, or manufacture.
- National governments owe specific human rights responsibility to prevent TNCs from directly or indirectly harassing and intimidating scientists, farmers and human rights and environmental defenders, in any form. Further, national governments should strive to innovate equitable and efficient access to judicial remedies especially for the adversely affected individuals, communities.

#### TO INTERNATIONAL AND INTERGOVERNMENTAL ORGANISATIONS

##### THE TRIBUNAL CALLS UPON

- These entities to keep in constant review the property regimes under intellectual property rights in terms of adverse impact of these on respect and upholding of human rights, the welfare of the populations and the protection of biodiversity and ecosystems.
- The United Nations Human Rights Council in any further consideration of the reports of Professor John Ruggie, the Special Representative of the UN Secretary General, to take

fuller account of the UN Draft Norms Concerning Human Rights Responsibilities of MNC and related Business Entities with the wider participation of the global civil society; the findings of this Tribunal expose the un-viability of the Ruggie proposals accentuating the efficacy of the model of corporate self-regulation and host state responsibility. Clearly, a superior approach stands suggested by an incorporation of the best elements of the UN Draft Code in any instrument concerning the subject. Likewise, time is surely come for the establishment of an appropriate international mechanism - which could take the form of an International Economic Court – empowered to investigate gross, continuing, and flagrant violations of human rights by TNCs, host and home states. A body, in short, before which individual or collective victims could bring their claims and demands for justice.

- The Assembly of the States Parties to the Rome Statute of the International Criminal Court ought to consider amendments to the Statute in order to extend its jurisdiction to legal persons and include the most serious crimes against the environment, in addition to those already provided for crimes against humanity and war crimes.
- The Human Rights Council's Special Rapporteurs bearing responsibilities in the matters denounced at these hearings to intensify their activity in denouncing violations and protecting the victims.
- The EU institutions, in accordance with Article 10A of the Treaty on European Union, as amended by the Lisbon Treaty, to subject their international economic relations and decisions on economic policy and international cooperation to the international rules for the protection of human rights and the environment, with the assistance of the European Agency for Fundamental Rights, created in 2006.
- The EU institutions to amend Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability in relation to the prevention and remedying of environmental damage, so as to clarify that its obligations in preventing and remedying and the mechanisms for action foreseen under the directive are extended to the activities of corporations with registered offices in the European Union that are carried on outside of its territory.

## TO SOCIAL MOVEMENTS

- That they take advantage of the possibility already offered by the Statute of the International Criminal Court to denounce before it the executives of transnational corporations who may have participated in any way in crimes under the jurisdiction of the Court, as foreseen by Article 25 of its Statute.



The Tribunal further URGES SCIENTISTS, LAWYERS, ASSESSORS AND REGULATORS

- to be fully aware of conflict of interest and to respect information as a public good
- to develop a culture of empathy with suffering peoples, even within their discipline-specific boundaries and burdens.

**Annexe 1**

**Synoptic list of the cases which have been more specifically submitted to the PPT**

**Bangalore, December 3-6, 2011**

Defendants: Monsanto, Dow, Dupont (USA); Bayer, BASF (Germany), Syngenta (Switzerland)

The home governments of the corporations are considered complicit with their respective agrochemical corporations in all the violations.

<b>Defendant/s</b>	<b>Country of Origin</b>	<b>Country or Place of Impact</b>	<b>Case</b>	<b>Who/What was Impacted</b>
1. All	United States, Switzerland, Germany	Global	Gross Human Rights Violations by the Defendants (General/Main Allegations)	Rural communities, peasants, agricultural workers, indigenous people, fisherfolk, migrant workers, small scale farmers, women, children and youth, activists, scientists and consumers and the future generations
2. All	United States, Switzerland, Germany	Global	Globalization and corporate aggression over people, land, food and resources	
3. All	United States, Switzerland, Germany	Global	Poisoning of people and the environment by pesticides	
4. All	United States, Switzerland, Germany	Global	The risk of genetically engineered crops to human health, the environment, food safety, and food security	
5. All	United States, Switzerland, Germany	Global	How intellectual property rights violate farmers' rights	
6. Monsanto	United States	Paraguay	Glyphosate (Pesticide poisoning of people and the environment)	Rural communities including an 11-year old child
7. Monsanto	United States	Latin America, particularly	<i>Bt</i> soy expansion and destruction of rural	Farmers, rural communities,

		Argentina	communities and local food production	environment, biodiversity
8. Monsanto	United States	United States	Patents on seeds and destruction of family farms	U.S. farmers
9. Monsanto	United States	México	<i>Bt</i> corn, contamination of center of origin's maize land races, and devastation of indigenous farms	Native crop diversity, Indigenous farmers, consumers, local food production
10. Monsanto	United States	India	<i>Bt</i> brinjal: Endangering the center of origin of Brinjal and collusion to get <i>Bt</i> brinjal approved	Native crop diversity, Farmers, consumers
11. Monsanto	United States	India	<i>Bt</i> cotton false promises: erosion of farmers' rights and destruction of livelihoods, massive farmers suicides, increased pesticide use	Cotton farmers, rural communities
12. Monsanto	United States	Indonesia	<i>Bt</i> cotton bribery, undermining Indonesia's self-determination	Indonesian people, country's sovereignty
13. Syngenta	Switzerland	Brazil (Paraná)	GE testing and violence against social movements, endangering natural ecosystems, undermining self-determination	Landless rural workers, pristine ecosystems, country's sovereignty
14. Syngenta, US Government	Switzerland	United States	Atrazine poisoning of the environment, threats to human health, manipulation of science and harassment of scientists	U.S. Midwest rural areas, farmers, human rights defenders
15. Syngenta	Switzerland	Malaysia	Paraquat poisoning of people and the environment	Women sprayers, plantation workers
16. Bayer	Germany	India (Kasargod)	Endosulfan aerial poisoning of the environment, and deadly	Rural communities, particularly women

			health legacy	and children, environment
17. Bayer	Germany	Africa	Endosulfan poisoning of people and the environment	Farmers, rural communities, environment
18. Bayer	Germany	Philippines	Endosulfan poisoning of people and the environment; harassment of scientists	Environment, peasants, fisherfolk, human rights defenders
19. Bayer	Germany	Uruguay	Endosulfan contamination of the environment and threat to livelihoods	Environment, cattle, fish
20. Bayer	Germany	Europe	Neonicotinoid poisoning of the environment, massive death of bees, undermining livelihoods& food security	Bees, environment, beekeepers, humanity, fruit and vegetable production
21. Bayer	Germany	United States and 32 countries	LibertyLink Rice 601 contamination of rice& rice products, risks to health, undermining livelihoods, the right to know, and collusion with governments	Rice farmers, consumers, countries' sovereignty, U.S. regulatory system
22. Bayer	Germany	Peru (Tauccamarca), Cambodia	Methyl Parathion exposure, contamination of food, and death of innocent children	Peasants, children
23. Bayer, BASF	Germany	United States, France, Germany, Madagascar, China	Fipronil widespread poisoning of the environment , risks to human health, destruction of livelihoods, marketing double standards to developing countries	Environment, bees, wildlife, aquatic organisms, rural communities, workers, consumers, shrimp farmers, beekeepers
24. BASF	Germany	United States	Clearfield Production System (CPS) crops, stewardship agreements and the destruction of agroecosystems and livelihoods, risks to health	Farmers, environment,

25. BASF	Germany	Malaysia	CPS rice field testing, threat to rice ecosystems and livelihoods	Farmers, environment
26. BASF	Germany	Europe	GE potatoes for industrial use: contamination risks to conventional potatoes, farmers' livelihoods and people' health	Farmers, environment, consumers
27. Dow	United States	India	Bribery of government officials to secure pesticide registration and undermining self-determination	Taxpayers, society at large
28. Dow	United States	United States (California)	Chlorpyrifos contamination of the environment and acute poisoning of people	Agricultural workers, rural communities
29. DuPont	United States	Costa Rica (Siquirres)	Bromacil, diuron contamination of the environment and sources of drinking water	Rural communities
30.Syngenta, Bayer, Monsanto, Dow, DuPont, BASF	United States, Germany, Switzerland	Arctic (Alaska, USA)	Pollution and endangerment of Arctic tribal nations and the environment	Arctic indigenous people, environment, wildlife source of food
31.Syngenta, Bayer, Monsanto, Dow, DuPont, BASF	United States, Germany, Switzerland	USA (Lake Apopka, Florida)	Environmental contamination, destruction of health and livelihoods of rural communities	Largely African-American former farmworker community
32.Syngenta, Dow, BASF	United States, Germany, Switzerland	India	Monocrotophos poisoning of the environment, destruction of livelihoods, farmers suicides	Cotton farmers, rural communities

33. Bayer, Syngenta	Germany, Switzerland	United Kingdom	Organophosphate pesticide exposure, risks to health	Health workers, farmers
34. Syngenta, Bayer, Monsanto, Dow, DuPont, BASF	United States, Germany, Switzerland	Philippines (Kamukhaan)	Aerial pesticide application & poisoning of rural communities; harassment of human rights defenders	Peasants, banana plantations workers, human right defenders
35. Dow, Monsanto, DuPont, BASF, Bayer, Syngenta	United States, Germany, Switzerland	New Zealand	Aerial Pesticide Application & Poisoning of Indigenous People	Maori people, environment,
36. Agrochemical companies	Donor countries	Africa	Toxic dumps of obsolete pesticides: environmental contamination and threats to human health	African rural communities, environment
37. Syngenta, Bayer, Monsanto, Dow, DuPont, BASF	United States, Germany, Switzerland	India (Punjab, seat of India's Green Revolution)	Cancer in the Punjab: the long-term impact of the Green Revolution	Peasants, rural communities, environment
38. Monsanto United States, IMF, World Bank	United States	Africa	GMOs Pushed Through Food Aid to Africa	Farmers, consumers, environment
39. Monsanto Syngenta, Bayer	United States, Switzerland, Germany	United States, Philippines	Suppression, corruption and manipulation of science/harassment of scientists	Human rights defenders
40. Monsanto Bayer, Syngenta	United States, Germany, Switzerland	India	Agricultural child labor and violation of children's rights	Children from rural communities

## Annexe 2

### Programme of the Session

**Bangalore, December 3-6, 2011**

<b>Dec 3 (Day 1) Saturday</b>		<b>In-charge</b>
10 am – 12noon	Opening Ceremony	Local Organising Committee
12.15pm – 1.15pm	<i>LUNCH</i>	
1.15pm – 1.45pm	Introduction to the Session and Members of the Jury	Dr. Gianni Tognoni Secretary General PPT
1.45pm – 2.45pm	Opening Statement	M. Puravalen, Chief Prosecutor
2.45pm – 3.45pm	Presentation of Indictment	Sarojeni Renggam
3.45pm – 4.45pm	Technical Witness 1: Irene Fernandez (Tenaganita, Malaysia)	M. Puravalen, Chief Prosecutor
4.45pm - 5.15pm	<i>BREAK</i>	
5.15pm – 5.20pm	Cultural Presentation (5 mins)	Shivarudrappa Jogi
5.20pm – 6.20pm	Technical Witness 2: Dr. Michael Hansen (Consumers Union, USA)	M. Puravalen, Chief Prosecutor
<b>End of Session Day 1</b>		
6:30 pm	Informal discussion with participants	PAN AP
7:30pm	Welcome Dinner	
<b>Dec 4 (Day 2 ) Sunday</b>		<b>In-charge</b>
9am -9.15am	Resumption of the Session	Upendra Baxi, Chair of the Tribunal
9.15am – 9.40am	Witness 1: Roundup Ready (RR) Soy Case – Javier Souza, (RAPAL, Argentina)	Paige Tomaselli, Lawyer-Presenter
9.40am -10.05am	Witness 2: Poisoning of Silvino Talavera Case – Petrona Villasboa (Paraguay)	Paige Tomaselli, Lawyer-Presenter

10.05pm -10.30pm	Witness 3: Killing of Brazilian Farm Worker Case / Celso Barbosa (Farm Worker, Brazil)	Paige Tomaselli, Lawyer-Presenter
<i>10.30am -11.00am</i>	<i>BREAK</i>	
11.00am –11.05am	Cultural Presentation (5 minutes)	Spoorthi Kala Thanda
11.05am - 11.30am	Witness 4: Endosulfan Poisoning / Aerial Spraying Case – Jayakumar Chelaton, (Thanal, India)	Jobert Pahilga, Lawyer-Presenter
1130am - 11.55am	Witness 5: Endosulfan Poisoning Case – Dr. Y. S. Mohankumar (Kasargod, India)	Jobert Pahilga, Lawyer-Presenter
11.55am - 12.20pm	Witness 6: Endosulfan Poisoning Case – Dr. Mohammed Asheer (Kasargod, India)	Jobert Pahilga, Lawyer-Presenter
<i>12.20pm - 1.20pm</i>	<i>LUNCH</i>	
1.20pm – 1.30pm	Cultural Presentation	Spoorthi Kala Thanda
1.30pm -1.55pm	Witness 7: US farmers vs. Monsanto – David Runyon (US)	Paige Tomaselli, Lawyer-Presenter
1.55pm -2.20pm	Witness 8: Presentation on the Poisoning of the Arctic Case – Katryn Gilje (PAN North America)	Paige Tomaselli, Lawyer-Presenter
2.20am - 2.45pm	Witness 9: Death of Bees / Philipp Mimkes (CBG Network, Germany)	Jobert Pahilga, Lawyer-Presenter
2.45am-3.10pm	Witness 10: Death of Bees / Graham White (Beekeeper, UK)	Jobert Pahilga, Lawyer-Presenter
3.10pm – 3.35pm	Witness 11: Atrazine and Harassment Case – Dr. Tyrone Hayes (University of California, Berkeley, USA)	Paige Tomaselli, Lawyer-Presenter
3.35pm – 4.00pm	Witness 12: Obsolete Pesticide Dumps Case – Abou Thiam (PAN Africa, Senegal)	Jobert Pahilga, Lawyer-Presenter
<i>4.00pm – 4.30pm</i>	<i>BREAK</i>	
4.30pm -4.55pm	Witness 13: Child Labour Case (MV Foundation) – Mr Shankar (India)	Jobert Pahilga, Lawyer-Presenter
4.55pm –5.20pm	Witness 14: Child Labour Case (child) – Ashwini (India)	Jobert Pahilga, Lawyer-Presenter



5.20pm-5.45pm	Witness 15: Paraquat Poisoning – Nagama Raman (Pesticide Sprayer, Malaysia)	Jobert Pahilga, Lawyer-Presenter
5.45pm – 5.55pm	Cultural Presentation (10 mins)	Spoorthi Kala Thanda
	<b>End of Day 2 Session</b>	
5:55 – 6:30p	Informal discussion with participants	PAN AP
<b>Dec 5 (Day 3 ) Monday</b>		<b>In-charge</b>
9.00am-9.10am	Resumption of the Session	Upendra Baxi, Chair of the Tribunal
9.10am-10.10am	Technical Witness 3: Dr. Romeo Quijano (PAN Philippines)	M. Puravalen, Chief Prosecutor
10.10am – 11.10am	Technical Witness 4: Shalini Bhutani (Lawyer and Activist, India)	M. Puravalen, Chief Prosecutor
11.10am – 11.55am	The People’s Submission	Sarojeni Rengam
11.55am - 12.40pm	Closing arguments	M. Puravalen, Chief Prosecutor
	<b>End of Session Day 3</b>	
PM	Deliberation of the Members of the Jury	
<b>Dec 6 (Day 4) Tuesday</b>		<b>In-charge</b>
AM	Deliberation of the Members of the Jury	
9 am	Programme on Sustainable Farming for Local Participants	Local Organising Groups
PM	Presentation of the Verdict Closing of PPT Concluding Remarks from PAN and Local Organising Committee (see separate programme)	Members of the Jury / PPT Secretariat
<b>Dec 7 (Day 5) Wednesday</b>		
AM	Press Conference	