



Crop 'dusting' with pesticide a few miles north of Ripley, Mississippi.

Photo: Roger Smith via Flickr (CC BY-NC-ND).

## **Monsanto on trial? Or 21st century capitalism?**

Pete Dolack

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**The organizers of tomorrow's International Monsanto Tribunal describe it as a 'moral trial', while the company dismisses it as a 'mock trial' and 'stunt'. The truth, writes Pete Dolack, is that it's about much more than this one company. On trial is the entire neoliberal system of 'free market' finance and monopoly capitalism.**

This is not reducible, however, to simple greed or evilness. Grow or die is the ever-present mandate of capitalism. Just because food is a necessity does not mean it is exempt from capitalism's relentless competitive pressures.

Monsanto is going on trial! Not, alas, in an official legal proceeding but instead a 'civil society initiative' that will provide moral judgment only.

The [International Monsanto Tribunal](#) will conduct hearings in The Hague beginning tomorrow, 14th October, and continuing over the weekend.

Although it has no legal force, its organizers believe the opinions its international panel of judges will issue will provide victims and their legal counsel with arguments and legal grounds for further lawsuits in courts of law.

The organizers also see the tribunal as raising awareness of Monsanto Company's practices and the dangers of industrial and chemical agriculture. The tribunal web site's [Practical Info](#) page summarizes:

*"The aim of the Tribunal is to give a legal opinion on the environmental and health damage caused by the multinational Monsanto. This will add to the international debate to include the crime of Ecocide into international criminal law. It will also give people all over the world a well documented legal file to be used in lawsuits against Monsanto and similar chemical companies."*

There certainly is much material on Monsanto, a multi-national corporation that has long sought to [control the world's food](#) and which is able to routinely bend governments to its will.

For example, there was the '[Monsanto Protection Act](#)', quietly slipped into an appropriations bill in 2013 that had to be passed to avoid a US government shutdown, requiring the Department of Agriculture to ignore any court order that would halt the planting of genetically engineered crops even if the department were still conducting a safety investigation, and rubber-stamp an okay.

This past July, a piece of legislation known as the '[DARK Act](#)' was signed into law by US President Barack Obama that, under the guise of setting national standards, nullified state laws that mandate labeling genetically modified organisms (GMOs) in food and substituted a standard that makes it almost impossible for any GMO food to be so labeled.

Its reach by no means limited to its home country, Monsanto has pushed to [overturn safety standards across Europe](#), and among the goals of the Transatlantic Trade and Investment Partnership is [to reverse EU laws](#) mandating GMO labeling and eliminate laws banning GMOs in food.

### **A long-term goal of ending corporate impunity**

Because it is not possible to bring criminal charges against Monsanto, tribunal organizers say, it is necessary to initiate civil actions. [They write](#) :

*"Critics of Monsanto claim that the company has been able to ignore the human and environmental damage caused by its products and pursue its devastating activities through a systematic concealment strategy through lobbying regulators and government authorities, lying, corruption, commissioning bogus scientific studies, putting pressure on independent scientists, and manipulating the press. Our endeavor is based on the observation that only through civic action will we be able to achieve compensation for victims of the American multinational."*

The tribunal organizers also recognize that a company like Monsanto does not exist in a vacuum, but rather is part of a larger system that is imperiling the world's environment:

*"Monsanto's history is a paradigm for the impunity of transnational corporations and their management, who contribute to climate change and the depletion of the biosphere and threaten the security of the planet."*

*Monsanto is not the only focus of our efforts. Monsanto will serve as an example for the entire agro-industrial system whereby putting on trial all multinationals and companies that employ*

*entrepreneurial behavior that ignore the damage wrecked on health and the environment by their actions."*

### **Tribunal will follow customary international law**

Lawyers and judges from five continents will be involved in hearing evidence and handing down findings in December. Customary international law will be followed in all proceedings, tribunal organizers say:

*"The Tribunal will employ as its legal guidelines: the UN Guiding Principles on Business and Human Rights, adopted by the Council of the UN Human Rights June 2011; the Rome Statute establishing the International Criminal Court (ICC) giving it jurisdiction to try alleged perpetrators of genocide, crimes against humanity, war crimes and crimes of aggression.*

*The UN Guiding Principles on Business and Human Rights is the international authority on the responsibilities of business with regard to human rights. The guidelines state that companies must respect all human rights, including the right to life, the right to health and the right to a healthy environment. They define society's expectations vis-à-vis businesses. They will serve as the basis on which plaintiffs will build their case for demanding compensation from Monsanto for damage caused by the company's activities.*

*The Court will consider whether Monsanto's conduct could be considered criminal pursuant to existing international criminal law, or under the law of ecocide, which is gaining support for consideration as an offence."*

Using international treaties as a basis for adjudicating these questions, the tribunal will focus on six topics:

- The right to a healthy environment.

- The right to health.
- The right to food.
- Freedom of expression and academic research.
- Complicity in war crimes.
- The crime of ecocide.

Monsanto has been invited to present a defense and supporting documents against any evidence presented against it. The company has declined to participate, citing a [statement issued last December](#) in which it calls the tribunal a "publicity stunt" by people "not interested in dialogue", adding that it is "is not against organic agriculture".

But in announcing its latest financial results, Monsanto did predict "[continued strong penetration](#) of key soybean traits, global corn germplasm upgrades and spend discipline" for 2017. So no change in its behavior should be expected.

### **Monsanto wants to tell you what to eat**

Monsanto's march toward control of the world's food supply is focused on proprietary seeds and genetically modified organisms. Standard contracts with seed companies forbid farmers from saving seeds, requiring them to buy new genetically engineered seeds from the company every year and the herbicide to which the seed has been engineered to be resistant.

The US environmental group Food & Water Watch, in its report [Monsanto: A Corporate Profile](#), summarizes the corporation's power:

*"Monsanto is a global agricultural biotechnology company that specializes in genetically*

*engineered (GE) seeds and herbicides, most notably Roundup herbicide and GE Roundup Ready seed. GE seeds have been altered with inserted genetic material to exhibit traits that repel pests or withstand the application of herbicides.*

*"In 2009, in the United States alone, nearly all (93%) of soybeans and four-fifths (80%) of corn were grown with seeds containing Monsanto-patented genetics. The company's power and influence affects not only the US agricultural industry, but also political campaigns, regulatory processes and the structure of agriculture systems all over the world ...*

*"Because of Monsanto's market dominance, its products are changing the face of farming, from the use of Monsanto's pesticides and herbicides, to the genetic makeup of the food we eat. ... Monsanto has a close relationship with the US government, which helps it to find loopholes or simply create regulations that benefit its bottom line. Monsanto and other corporations have increasingly funded academic research from public universities, which they use to justify their latest products.*

*"Monsanto's international power has grown at an alarming rate, much to the dismay of developing countries that have inadvertently been exposed to its relentless business strategy. For all of these reasons, Monsanto has become a company that farmers and consumers around the world should fear."*

### **India has no laws Monsanto is bound to respect**

Vandana Shiva, a member of the International Monsanto Tribunal's [steering committee](#), last year provided a case study in Monsanto's practices with an examination of how it forced its way into India.

The [introduction of corporate agriculture](#) has been so catastrophic in India that more than 300,000 farmers have committed suicide since 1995, with Dr. Shiva reporting that 84% of farmer suicides have been attributed to Monsanto's genetically engineered cotton.

She explains what she calls Monsanto's "*outright illegality*" in India as based on Monsanto

claiming patent rights to its products even though patents on life forms are illegal in India; that its collections of royalties on unpatenable products have led to a wave of bankruptcies by farmers who struggle to survive in the best of times; and its

*"smuggling"*

of unapproved genetically modified organisms into India that

*"pose grave risks"*

to health.

[Dr. Shiva writes](#)

:

*"India's laws do not permit patents on seeds and in agriculture. But that hasn't stopped Monsanto from collecting close to USD 900 million from small farmers in India, pushing them into crushing debt. This is roughly the same amount of money Monsanto spent buying The Climate Corporation - a weather big data company - in a bid to control climate data access in the future. ... [L]ocal seeds used to cost [a tiny fraction of the cost of Monsanto's seeds] before Monsanto destroyed alternatives, including local hybrid seed supply, through licensing arrangements and acquisitions."*

Local pests developed resistance to Monsanto's GMO cotton, which releases toxins, forcing farmers to use more pesticides - an extra expense and environmentally destructive. Although this is bad for farmers, consumers and the environment, it is highly profitable for Monsanto. Dr. Shiva writes:

*"Genetic engineering has not been able to deliver on its promises - it is just a tool of ownership. [Monsanto's genetically modified] Bt Cotton is not resistant to Bollworm, RoundUp Resistant varieties have only given rise to super weeds, and the new promises being made by biotech corporations of bio-fortification are laughable."*

*"There is no benefit to things like Golden Rice. By adding one new gene to the cell of a plant, corporations claimed they had invented and created the seed, the plant, and all future seeds, which were now their property."*

*"Monsanto does not care if your cotton field has Bollworm infestations, just so long as the crop can be identified as theirs and royalty payments keep flowing in. This is why the failure of Bt Cotton as a reflection of bad science does not bother them - the cash is still coming into St Louis. At its core, genetic modification is about ownership."*

### Farmers become Monsanto's hired hands

Seeds containing genes patented by Monsanto, the world's largest seed company, account for [more than 90%](#) of soybeans grown in the US and 80% of US-grown corn, according to Food & Watch Watch.

Standard contracts with seed companies forbid farmers from saving seeds, requiring them to buy new genetically engineered seeds from the company every year and the herbicide to which the seed has been engineered to be resistant. Farmers have become hired hands on their own farms under the control of Monsanto.

Worse, Monsanto has agreed to sell itself to Bayer A.G., the German chemical conglomerate with its own [history of abuse](#) . Should regulators allow these two corporations to merge, it would create the world's largest supplier of seeds and pesticides.

Bayer's chief executive officer, Werner Baumann, [enthused that the proposed deal](#) would "*deliver substantial value to shareholders, our customers, employees and society at large.*" That 'value' for shareholders was mentioned first is all you need to know that profits and control are what this deal is really about.

What better monopoly could a corporation achieve than a monopoly in food? That has long been Monsanto's goal, and a merger with Bayer would [only tighten its grip](#) .

### The unacceptable face of capitalism

This is not reducible, however, to simple greed or evilness. Grow or die is the ever-present mandate of capitalism and one result of that tendency is the drive toward monopolization - a small number of enterprises controlling an industry. Just because food is a necessity does not mean it is exempt from capitalism's relentless competitive pressures.



When markets are allowed to dictate social outcomes, actions like those of Monsanto are inevitable. Capitalist markets are nothing more than the aggregate interests of the most powerful industrialists and financiers.

And they have no interest in you knowing what is in your food, or even that it is safe.

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**Action:** [Ask Monsanto a question](#) .

**Pete Dolack** is an activist, writer, poet and photographer, and writes on [Systemic Disorder](#) . His book '

[It's Not Over: Lessons from the Socialist Experiment](#)

; a study of attempts to create societies on a basis other than capitalism, has just been published by Zero Books.

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