

**„Governments that allow
genetically modified
foods, violate human
rights“**

***Agricultural biotechnology indicted by the
UN Committee
for Economic Social and Cultural Rights***

Christiane Lüst 2016

Content

Austria	11
Canada	37
India	66
Brasil	84
Columbia	99
Germany	130
Argentina	148
Paraguay	168
Austria	187

Instead of a preface

Agrar-Info October 2008:

United Nations Human Rights Committee criticizes the use of genetic engineering in agriculture

"Mrs. Luest, you are wrong here! This is not a human but an environmental issue!" That was the spontaneous reaction of the members of the United Nations Human Rights Committee, as Christiane Lüst from Gauting / Germany, founder of the international organization „Action GEN-Klage“, submitted her first report on agro-biotechnology and human rights violations of 2005. Together with the Indian and winner of the Alternative Nobel Prize Vandana Shiva she submitted her third report on India to the Committee in May 2008, according to reports on Austria and Canada. It includes dramatic human rights violations due to the use of agricultural biotechnology in India. More than 200,000 farmers in India have already taken their own lives because they had no choice to get out of increasing hunger and indebtedness after the use of genetic engineering in agriculture. The Indian government has been prompted to stop the use of genetic engineering immediately to protect farmers, consumers and the human rights.

This time, the reaction of the committee members was very different: „ Miss Luest that is a huge problem! In autumn its Central America's turn because it also comes to drastic human rights violations through genetic engineering there. Are you able to report about it?" And Christiane Luest had success! Luest said: "That was an international breakthrough! For the first time the use of genetic engineering in agriculture has been criticized by the United Nations as a violation of human rights and a state was prompted to protect its farmers against multinationals and ensure their access to the old, reusable seed!"

Why it is the jurisdiction of the United Nations?

Basis of the consultation of the UN Human Rights Committee with the agro-biotechnology is the International Covenant on Economic, Social and Cultural Rights. This inter alia includes the right to self-determination, the right to health and the right to food and thus also includes safe food that is uncontaminated, harmless to health and from sustainable, resource-conserving production.

More than 140 countries worldwide have ratified the pact. This means that governments are thus committed to ensure free access to food and the availability and use of existing resources for the people.

The right to food:

People should have access to food, without falling into dependencies.

This also means that the States "have to ensure adequate protection of consumers against fraudulent market practices, disinformation about food that is hazardous to health" and must prevent the contamination of foodstuffs as well as the decline of plant genetic resources.

The state is obliged to create an environment in which the individual can feed himself and his family in freedom and dignity.

In order to guarantee this environment, any dependence on corporations by purchasing obligation of pesticides and seeds and thus the introduction of GMOs in agriculture must be prevented.

Enshrined as a human right, "sustained improvement of livelihood" is no longer possible with the introduction of genetic engineering.

The right to adequate food ... encourages states parties ... obligations to:

- that the States Parties do not take any measures which in result include the prevention of this access. (This means that the State may not introduce genetic engineering in agriculture and food production, because it denied the access to adequate food because of patenting and related licensing, due to dependence on corporations by monopolization of the seed and in consequence due to contamination and destruction of the harvest of the neighbors.)
- Measures of the State that ensure that companies or individuals do not deprive people access to adequate food.
- that the state must play an active role to make it easier for the the people to get access to resources, to utilize resources and to get means to ensure their livelihood, especially their food security.

Through GMOs the conservation and sustainable management of natural resources is endangered.

However, the States are to prevent the decline of plant genetic resources.

They should "ensure the protection of relevant traditional knowledge and equitable participation in the profits arising from the use of these resources. They should also consider measures to protect ecological sustainability and the carrying capacity of ecosystems in order to secure the possibility of increased and sustainable food production for present and future generations, to prevent water pollution, to protect the fertility of the soil and to support farmers with the application of proven agricultural practices.

Genetic engineering in agriculture and food production must be dispensed with and a fair distribution of food must be promoted in order to improve production methods, distribution of food or the use of natural resources must be effectively developed and ensured in the long term.

These rights are enforceable. Every 5 years, the governments are committed to report to the United Nations Human Rights Committee on the situation of human rights in their country. NGOs have the possibility to correct the government reports with their own separate report and to explain the situation "from the base".

The UN Committee listens to both sides and examines the reports. Subsequently, after three weeks of meeting and consultation, the "Concluding Observations" are enacted to the governments. That means the demands of the UN to the Governments what they have to improve in terms of human rights within the next 5 years, until the next reporting to the UN.

In many countries, the introduction of genetic engineering in agriculture has brought devastating impact. Some examples:

Romania:

Tests have shown that 90% of the soybean plants are genetically modified without the knowledge of authorities and most of the farmers, so they were contaminated. Lack of controls and knowledge genetic engineering corporations are trying to create an illegal lokal situation that never can be undone. Once contaminated, always contaminated.

Mexico:

Although GMOs are forbidden by law since 1998, transgenic contaminations of local corn were found more and more in regions, which are quite separate.

Argentina:

Already in 2004, the cultivation of soybeans took 48% of the total arable land. Hundreds of thousands were evicted from their land, poverty and malnutrition grew rapidly. Malnutrition, in Argentina previously unknown, rose with the introduction of genetic engineering on 17%, the proportion of people below the poverty line - 1970 at 5% - was already at 51% in 2004. The spraying of the soybean plantations from the air destroyed the crops of small farmers, their chickens died and other animals suffered damage and finally there were birth defects. The sprayed weedkiller led to severe nausea, diarrhea, vomiting and skin lesions among the people. Vegetables were malformed and lakes suddenly were full of dead fish.

Irak:

Since the occupation of Iraq by the Americans, there is the Order 81, which prescribes the Iraqis, to buy only - of course genetic modified - seed from transnational corporations.

Using own-grown and always reusable seed is illegal since then.

It is urgent at the time to stop this trend before it spreads increasingly also in Europe.

Globalization also means learning from the bad experiences of other countries in order to avoid them. Our contribution should be to publish these experiences and point out again and again or to support a wide variety of resistance.

After all, who fights can lose, but who does not fight has already lost.

Christiane Lüst
Aktion GEN –Klage
www.stopptgennahrungsmittel.de Berengariastr. 5
82131 Gauting
Tel.: 089 / 893 11 054

Umwelt aktuell –Juli 2011

Governments that allow genetically modified foods, violate human rights

In countries such as Argentina or India, but also in Germany the genetic production of food is subsidized by the state. This is the reason why the governments violate against internationally agreed standards. Therefore my initiative has accused Germany and other states at the United Nations Human Rights Committee, says Christiane Lüst from "Aktion GEN –Klage".

Miss Lüst, you have sued the Federal Republic of Germany at the United Nations Human Rights Committee in Geneva. Why?

Because of the use of genetic engineering to produce food, violates the human rights of consumers, beekeepers and farmers in Germany.

Germany together with 150 other countries ratified the International Covenant on Economic, Social and Cultural Rights. Particularly it is about the rights to food, to self-determination of peoples, on health and on freedom of science and research. This also includes the obligation of States to promote a sustainable management of resources and to protect consumers against misinformation and food that is hazardous to health.

In Germany, GM plants are barely grown. Isn't your action therefore superfluous?

The contrary: Slowly but surely, we are opening the door to genetic engineering. If we have a look at the field research: On how many hectares new Genetic Engineering pollen come into circulation every year, which are never retrievable again! Bees have a catchment area of about six kilometers, so that all safety distances are a farce. Against the beekeeper Karl-Heinz Bablok a landmark judgment was made that makes clear where to go: A field trial of the Free State of Bavaria contaminated his honey. He was to dispose it at its own expense as special waste. He sued for damages, but the court was of the view that he should bring his bees elsewhere or move away. Already this year, seven percent of the corn seeds are contaminated, though MON 810 is prohibited since two years and we have zero tolerance for seed yet. MON810 is also intended to be permitted EU wide again. The topic is not off the table. An increasing number of gene-approvals are to be issued at EU level. Germany is one of the strongest proponents of genetic engineering in the EU! Or let us have a look at the GM-potato Amflora that is still allowed, although their antimicrobial resistance even violates EU law. Or the GM animal feed, imported from South America for our animals. That is the reason why genetic engineering is contained in nearly all foods.

Do you have evidence of the dangers of genetic engineering plants?

There are now many studies and - even more important - practical experience from countries such as India and Argentina. There, people get sick, get cancer, women become infertile, newborns are malformed. Even pets die, the soil is barren and drinking water is contaminated. In Argentina, the poverty rate has risen dramatically since the introduction of GM soya.

The scientific studies indicate that GM foods can lead to cell death, cancer, birth defects and death, and more frequently in humans. Contrary to statements made by industry and government it is proven that genetically modified food accumulates hazardous residues in the body.

The latest study from Canada already found toxins out of GM agriculture in the blood of pregnant women and embryos.

Your initiative also accuses other States at the Committee. What was the result?

With India, we had the first big success: The UN has recognized that the introduction of genetic seed has exacerbated poverty. The government has been urged to support the farmers, so that they can buy seeds that are capable for reproduction and get rid of their dependence on corporations. In Brazil, the government received a solicitation to stop the rainforest deforestation, which is usually done for soya plantations and destroyed the livelihoods of indigenous peoples and small farmers. Last year the UN Committee urged on Colombia that the government does not

prioritize food production to export but for their own use. This also includes cultivation of genetically modified corn, which there spreads more and more and destroys the old maize varieties.

Governments have five years to take action. Do you believe that there will be any change in the current policy?

That is very difficult. Such states cooperate with landowners who earn on exports. This causes the whole misery with landlessness, expulsions and deforestation. There are many unlegislated areas. States must generate currency for its growing foreign debt even under pressure from countries like Germany. Unfortunately there are often our export subsidies, that destroy the markets with cheap meat or cereals. Similarly our research money. Insiders report from Mexico that the local seed research, which is co-funded by Germany, especially to find out "positive" side of genetically modified maize.

But Germany is forced to react?

Not without pressure from ourselves as consumers and voters. First we have to demand the Committee documents in german language. The federal government is obliged to spread the decisions.

So far, it hardly happened for lack of interest and demand. Only in 2001, we have forced the government to do so for the first time.

Only when the government is reminded at every event in mind that it is committed to the pact, the government will do something. Policy only reacts to pressure.

What do you want from the public?

Support! The Federal Republic often calls for human rights on other countries. It helps us a lot when it is now publicly discussed that the German government does not respect the human rights. It would also help if the 80 percent of consumers who are against GM, do not buy animal products produced by gene-feed any longer. Then the policy would follow by itself.

[Interview: Matthias Bauer]

Christiane Lüst directs an environmental center in Gauting near Munich. She has founded the "Aktion GEN-Klage! In order to stop EU registrations of GM crops in a legal way.

Contact: phone +49 (0)89 89311054

Email: christiane.luest@t-online.de

www.stopptgenahrungsmittel.de

International Covenant on Economic, Social and Cultural Rights

Article 1

1. All peoples have the **right of self-determination**. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based

upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

Article 11

1. The States Parties to the present Covenant recognize the **right of** everyone to an adequate standard of living for himself and his family, including **adequate food**, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:

(a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;

(b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

Article 12

1. The States Parties to the present Covenant recognize the **right of** everyone to the enjoyment of the highest attainable standard of physical and mental **health**.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:

(a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;

(b) The improvement of all aspects of environmental and industrial hygiene;

(c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;

(d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

Article 15

1. The States Parties to the present Covenant recognize the right of everyone:

(a) To take part in cultural life;

(b) To enjoy the benefits of scientific progress and its applications;

(c) To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture.

3. The States Parties to the present Covenant undertake to **respect the freedom indispensable for scientific research and creative activity.**

4. The States Parties to the present Covenant recognize the benefits to be derived from the encouragement and development of international contacts and co-operation in the scientific and cultural fields.

Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security

The full text you will find here:

<http://www.fao.org/docrep/meeting/009/y9825e/y9825e00.htm>

In the Rome Declaration on World Food Security, Heads of State and Government “reaffirm[ed] the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger.

Food should not be used as a tool for political and economic pressure.

Food security exists when all people, at all times, have physical and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life. The four pillars of food security are availability, stability of supply, access and utilization.

The progressive realization of the right to adequate food requires States to fulfil their relevant human rights obligations under international law. These Voluntary Guidelines aim to guarantee the availability of food in quantity and quality sufficient to satisfy the dietary needs of individuals; physical and economic accessibility for everyone, including vulnerable groups, to adequate food, free from unsafe substances and acceptable within a given culture; or the means of its procurement.

States Parties should respect existing access to adequate food by not taking any measures that result in preventing such access, and should protect the right of everyone to adequate food by taking steps so that enterprises and individuals do not deprive individuals of their access to adequate food. States Parties should promote policies intended to contribute to the progressive realization of people’s right to adequate food by proactively engaging in activities intended to strengthen people’s access to and utilization of resources and means to ensure their livelihood, including food security

States should provide an ... environment in which individuals can feed themselves and their families in freedom and dignity.

States should promote adequate and stable supplies of safe food through a combination of domestic production, trade, storage and distribution.

Such an approach entails, inter alia, measures to ensure access to adequate food and improve the livelihoods of the poor and hungry in a sustainable manner; and encourage conservation and sustainable management of natural resources, including in marginal areas.

To improve access to land, water, appropriate and affordable technologies, productive and financial resources, enhance the productivity....., , share the benefits of productivity gains, conserve and protect natural resources.....States should adopt policies that create conditions that encourage stable employment, protecting the availability of existing resources address including the production, processing, distribution, marketing and consumption of safe food.

States should provide adequate protection to consumers against fraudulent market practices, misinformation and unsafe food.

.....ensure the conservation and sustainable use of genetic resources for food and agriculture, including, as appropriate, for the protection of relevant traditional knowledge and equitable participation in sharing benefits arising from the use of these resources, and by encouraging, as appropriate, the participation of local and indigenous communities and farmers in making national decisions on matters related to the conservation and sustainable use of genetic resources for food and agriculture.

States should consider specific national policies, legal instruments and supporting mechanisms to protect ecological sustainability and the carrying capacity of ecosystems to ensure the possibility for increased, sustainable food production for present and future generations, prevent water pollution, protect the fertility of the soil, and promote the sustainable management of fisheries and forestry.

States should take measures to ensure that all food, whether locally produced or imported, freely available or sold on markets, is safe and consistent with national food safety standards.

States should establish comprehensive and rational food-control systems that reduce risk of food-borne disease using risk analysis and supervisory mechanisms to ensure food safety in the entire food chain including animal feed

States should take action to prevent contamination from industrial and other pollutants in the production, processing, storage, transport, distribution, handling and sale of food.

States should ensure that education on safe practices is available for food business operators so that their activities neither lead to harmful residues in food nor cause harm to the environment. States should also take measures to educate consumers about the safe storage, handling and utilization of food within the household. States should collect and disseminate information to the public regarding food-borne diseases and food safety matters, and should cooperate with regional and international organizations addressing food safety issues.

States should adopt measures to protect consumers from deception and misrepresentation in the packaging, labelling, advertising and sale of food and facilitate consumers' choice by ensuring appropriate information on marketed food, and provide recourse for any harm caused by unsafe or adulterated food, including food offered by street sellers.

If necessary, States should take measures to maintain, adapt or strengthen dietary diversity and healthy eating habits and food preparation, as well as feeding patterns, including breastfeeding, while ensuring that changes in availability and access to food supply do not negatively affect dietary composition and intake.

Austria september 2005:

The first report :

Parallel report to the 3rd and 4th state report of Republic Austria on the implementation of the International Pact on economic, social and cultural rights

Social Human Rights in Austria

Injury of human rights in agriculture and at consumers

Presented by: PRO LIFE - AntiGENtechnology– Plattform Austria

Contact:

Richard L. Tomasch, Dolintschitschach 23, 9143 St. Michael, Austria, Tel.: 0043/4235 2347
Dipl. Ing. Volker Helldorff , Schloß Thalenstein 1, 9111 Haimburg, Austria
Karl Raab, Thon 14, 9131 Grafenstein, Austria

The informations given in this report focusses on the consequences of a troublesom global development ignoring scientific knowledge and first experiences made in reality in many countries and thus injuring the economic, social and cultural rights of farmers and consumers in a very strong way by the implementation of genetically modified organismen (GMO) in the area of food production and agriculture.

Also Austria is effected from this development. Due to the activities of NGO e.g. ProLife – AntiGENtechnology Austria; Greenpeace, Global 2000, FIAN Austria, but also through farmers and consumers it was possible up to now to eliminate GMO in Austria.

On the long run, however, this GMO-free life will not be maintainable due to power and lobbying of big Agroindustries resulting in a loss of quality of life and livelihood for farmers and then of consumers: farmers will become dependent from agrobusiness and even getting in great danger for their economic survival - this can be concluded from the situation of people in other countries mainly form the 3rd world resulting in multiple suicide caused by the fact of no way out and depths – and consumers will be forced to buy GMO-products loosing the chance to freely choose their food, which is known to result in health care problems proven in sioem studies and esp. indication of bad experiences made.

PRO LIFE – AntiGENtechnology – Plattform Austria is an independent forum created in the year 2000 from biofarmers & food consultants with the main aim to inform the public on the dangerous potential of genetic engineering in the area of food production and agriculture esp. in case of GMO used in the production of food and feed but also in order to prevent the implementation of GMO in this areas.

ProLife is organising information meetings, lectures, demonstrations and is also consulting municipalities, local goverments, farmers, consumers, schools and policy makers from the lowest local up to EU-level influencing consciousness of the public. At the same time the anti-GMO-movement of mainly but not only NGO´s is supportes in Europe by network building in Austria and within EU.

PRO LIFE - AntiGENtechnology– Plattform Austria was urging the federal goverment of Republic Austria

- to prevent the implementation of GMO in the area of food production and agriculture in Austria by law

- to realize the obligation to clearly mark GMO-products in food for humans and feed stuff for animals
- to introduce a legal liability for agroindustries to be responsible for all consequences of GMO for health of men & nature as the danger for irreversibly contaminating the soil leading to destruction of the basis of life of farmers esp. biofarmers
- to prohibit patenting of living organisms, parts thereof resp. the change the Austrian patent law and to become active in direction of ratification of new guidelines for biopatenting in EU

PRO LIFE - AntiGENtechnology – Plattform Austria is asking the committee on economic, social and cultural rights the favour to present its concerns about the implementation of GMO in Austria and to formulate recommendations to the federal Republic of Austria, how to handle this problem of GMO, which is essential for life.

PRO LIFE - AntiGENtechnology – Plattform Austria

September 2005

Richard Leopold Tomasch

Dipl. Ing. Volker Helldorff

Karl Raab

List of content

1. Introduction
2. Injuries of Rights of People concerning self-determination (Art. 1)
3. Injury of the Right on work (Art. 6)
4. Injury of the Right on appropriate living standard, protection against hunger – Right on Food (Art. 11)
5. Injury of the Right on Health of Body & Soul (Art. 12)
6. Injuries of Rights on Freedom of Sciences & Research (Art. 15)
7. Steps in order to ensure the Rights of farmers and consumers

1. *Introduction*

Austria has more than 8 million of inhabitants, living in 9 federal historical regions, four of them have declared them as GMO-free Regions based on heavy opposition of people including consumers, farmers and NGO's. The reason was the public presentation of studies and experiences in other countries about the unforeseeable consequences and risks of GMO on food, the irreversible consequences of using GMO for health of humans and nature in case of contamination of traditional plants, the destruction of natural basis of life for future generations and, thus, the access to food as well as the security of nutrition, but also the spinn off for agriculture and food production.

The status of "GMO-free Regions", however, is not at all safe for the future, as their exists not yet a legal basis, only a self-obligation by free will of farmers, trade and consumers, which is however in contradiction to the existing GMO-laws resp. "guidelines" in EU as well as Austria exhibiting the intention to allow and to regulate the application of GMO.

Situation in EU

Implementation of GMO started with the fall of the EU-moratorium for the release of GMO.

The existing European legislation is not at all protecting communities and regional governments, in contrary: organisations like Greenpeace express their concern in terms of a GMO- and agrobusiness friendly policy, which is ignoring all risks, doubts and objections.

It is known, that the increasing pressure on EU to allow the use of GMO has its origin in the US, which have started claim at WTO.

The EU-guideline from March 12 in 2001 allowed for the first time the release of GMO and regulated their implementation. Appropriate control and testing should guarantee health for men & nature. (This release was based on the "EU-guideline on admission" of GMO stating, that "there is no risk for humans and animals and nature". This, however, is only an hypothesis, which was never scientifically proven by long-term-studies).

With the recommendations of guideline for "coexistence" from July 25 in 2003, the European Commission was informing member states on possible strategies and procedure of coexistence between natural plants and GMO.

Situation in Austria

Austria is – as all other EU-countries – forced by law to allow the release of GMO. Up to now, no GMO have been released in Austria. In the area of food trade also practically no GMO-products are available due to the activities of trade based on the opposition of people. This situation, however, has no legal security, but is an activity by free will of the trade. In case of GMO, they must be characterised since the date of April 2004, but not in case of animal feed e.g. soja and food products from animals like meat, butter, cheese, eggs, milk, joghurt, etc. According to Greenpeace 80 % of people are against GMO, this fact, however, was ignored by EU Commission due to the pressure from outside as mentioned before.

The new genetic technology-law in Austria is generally allowing the cultivation of GMO attempting to regulate its use.

Austria was successful in case of the release of GMO, which were already allowed on the European market, to prohibit them with the aid of some regulations of the seed-law as well as with decrees in the Genetic Technology-law. Supplementary to this, the seed-genetic technology-decree regulates that no contamination of seed with GMO is allowed in Austria.

Thus, the release as well as the implementation of GMO-seeds, is prohibited in Austria until now. (*"Essential things for buying cornseed" AGES Institute for Seed in Austria*)

1984 a sweeping protection of the environment was implemented by law in Austria.

Thus, with ratification of EU-biopatent guideline the Austrian government has failed its state duty to protect the economic and cultural right of farmers in respect to seeds.

Different federal regions created their own law for GMO with quite severe conditions.

The attempt of some other regions to create GMO-free regions was not directly supported by the federal government in Austria within the EU-commission, so that there is no guarantee for maintaining them in future against the existing EU- law.

Who needs GMO and whom they serve?

The answer is clear for Alfred Haiger, a wellknown Austrian scientist in agriculture:

“Only for less then 10 agroindustries (are GMO advantageous) and some industry-dependent scientist, for nobody else” as written in the introduction of the recent book „*Gefahr Gentechnik*“, p. 16. This agrobusiness act worldwide supported by the US government, they think in terms of profit ignoring health and welfare of humans. “Ruling food means to rule mankind“ was a saying of Henry Kissinger. Thus, Governments do no longer fullfil the needs of their people, but follow the path of profit of some big agrobusiness in their attempt to govern the globalisation.

This tendency result in an increasing danger for human rights in case of food, health, freedom in sciences and research globally and also in Austria leading to destruction of basic needs for life.

We sincerely hope, that the committee for economic, social and cultural rights is able and willing to help out in order to support peoples rights, which are written down in International Pact and other agreements and pacts.

2. *Injury of peoples right for self-determination acc. to Art. 1*

§ 1: „All People have the right of self-determination“

Injury of the Right of People in Austria

The protection of environment was fixed in Austrian constitution in the year 1984.

The EU-guideline for the release of GMO in the area of food production and agriculture – where parallel to the implementation also all consequences for man and nature are allowed to be ignored (e.g. pesticides etc, see right of food, p. 17) is in direct contradiction to this law and constitution.

Thus, peoples right for self-determination are not nay longer given:

- **case peoples petition for a referendum 1997:**

In April 1997 1,2 million of Austrian population were voting for a referendum in case of GMO including three claims

1. no release of GMO in Austria
2. no GMO-products for food in Austria
3. no patents on life.

Thus, this means, that Austrian people voted for a clean and safe environment in direction of sustainable development with the result, that Austrian government has the duty to fulfill peoples claims esp. to ascertain the right fixed in Austrian constitution also against EU.

However, the laws in connection with GMO, formulated in 2004, is clearly initiating the end of GMO-free agriculture in Austria acc.to Greenpeace and the start-up of GMO. Further on, they state, that : „this is doubtless a clear betrayal of 1,2 millions Austrians voting against GMO in food-production and agriculture in 1997. It is a shame, who framers and consumers have been adandoned as the goverment made no efforts at all to showing no courage for the protection against the risks of GMO in food-production and agriculture. The EU-guideline could basically admit more national possibilities for action” („*Gentechnik rein?*“ – www.greenpeace.at, *declearation in the press from october 14, 2004*) To use this national elbowroom is the business of government of the Republic of Austria.

- **case contamination of Seeds**

GMO-seeds are not allowed to be on the market in europe including import. Nevertheless no legal regulations about contamination of seeds are existing. The global trade with GMO-seed, however, results in contaminations in Europe as well as in Austria just now.

EU-commission plans to allow an amount of 0,3 up to 0,5% of contamination, defining GMO-free seeds! It is clear, that the consequences of such regulation will be disastrous as the cultivation in the next year would be fully contaminated by GMO, whereby the farmers would have no information about! The demand, thus, is clear: GMO-free seeds “ must be also really without GMO-seeds” (“Between forced action from EU and recruitment of government officials” Klaus Faissner in “Gefahr Gentechnik”, p. 61) at least up to 99,9 %. The limit, therefore, would be 0,1 % contamination, which is the limit of detection. In this sense, Austria has formulated his regulation for GMO-seeds. However, on the long run, there is no chance to maintain this level esp. against Eu-guidelines, as GMO-seeds from neighbouring countries will enter by flying pols through wind and insects.

In such a way, the right for self-determination in Austria is not given anymore!

- **Case illegal imports**

Caused by missing import controls increasingly GMO-products, which are not marked - and thus not allowed - are imported. This fact was noticed only after their use by consumers!

The GMO-law means e.g. that controls are allowed only in case of indications, that these products are considered to be introduced on the market (§ 101 GMO-law).

GM -Rice from China:

It is known, that since many years about 1000 tons GM-rice from China is on the market in Eurpe and Austria although this is not allowed! This rice is not suitable for human consumption, the rice was only for research and should have been destroyed.

Papayas:

In february 2004 GM-papaya fruits have been found on the market for the first time in Europe. It was not clear how many GM-fruits already have entered. Greenpeace was warning, that such GM-products could have unforeseeable consequences for health e.g. allergies, antibiotica-restistence, as the corresponding gen was part of the fruits! These GM-papaya fruits are not allowed in Europe as there exists no research datas on human health. “it is impossible to control all imports” this is a statement of the Minister for consumer protection in Munich (Münchner Merkur, 6th febraury 2004 „Gen-Papayas in Läden gefunden“). Boontan Tansuthepveeravong, director of Amnesty International Thailand stated at occasion of illegal selling of such GM-papayas: “This is a heavy threat of life of farmers, consumers and the public as a whole” (www.greenpeace.de – *gentechniknews – aktivisten-sollen-für-jahre-hinter-gitter from april 29 in 2005*)

GM-corn:

Since many years forbidden GM-corn is sold to farmers as natural corn, it is also cultivated. The consequences on the long run for the soil - and thus for farmers existence- are dreadful

(*Deutsches Ärzteblatt from april 4, 2005 – „1000 Tonnen illegaler Genmais aus den USA nach Europa gelangt“*).

„The Gen-Industry ist totally out of control“ – says Nina Thüllen, Gentechnology-expert from Greenpeace (www.greenpeace.de – *gentechniknews – genreis-in-china-ausser-kontrolle vom 13.4.05*).

„In 2004, Syngenta was condemned by the lower district court in Gießen to pay 1.500 Euro (!) as the cultivation of its bt-176 GM-corn in 2000 and 2001 was illegal and even without any control“ (*„Ausgeblendete Risiken“*, W. Müller und A. Velimirov in *„Gefahr Gentechnik“*, p. 242). Similarly, “the amount of condemnation payment in such a case of illegal application of GMO is much to small in order to represent an exemplary punishment” (*„Gentechnik – Schutz ist unzureichend“*, die Wiener Umweltstadträtin Ulli Sima, www.wirtschaftundumwelt.at, Ausgabe 04 / 2004). Acc. to the GMO-law in Austria, § 109, a penalty for such an illegal action would be the amount of 21.800 Euro. One can see, that all these punishments are not sufficient to fulfill the law, the GM-tech-Industry is more or less invited to not follow the law! Alois Oswald, environmental lawyer of the federal region of Styria, clarifies this situation by saying: “GMO-laws are only pseudo-laws”. This can be proven by the fact, that “only a minimum number of executive people from civil service are engaged in control, so that it becomes clear, that the federal government is offering only marginal efforts against the interest of industries, while ignoring the rights of population: “freedom for the market, even fool’s licence” (*„Gentechnikgesetze sind Scheingesetze“*, Dr. HR Alois Oswald in *„Gefahr Gentechnik“*, p. 76).

In such a way, the right of selfdetermination of people is drastically endangered. This is shown by the quite small efforts done in order to “tame” GM-Industries with the aid of legal instruments. Austria has to assure, that control of import is executed by civil service sufficiently strong at the same time as it should help to enhance the efforts within EU. The final aim is clear: GMO-free agriculture and food, as long as GMO in food and agriculture are not matured i.e. the eco-social consequences for man and nature are not clarified by independent research!

- **case contamination:**

It is known, that through the flight of plant polls the spreading of GMO occurs at quite long distances. The EU-guideline for coexistence proposes the implementation of so called “security distances” and “barrieres against polls” by farmers with the addition, that “farmers

take over full responsibility for these actions, which are needed for the limitation of flux and spread of genes through the polls of GMO” („Recommendation of the Commission“ from 23. July 23, 2003, p. 10, Point 2.1.7.).

The austrian right of regions is speaking in terms of „in interest of the need for security in case of measures and steps”, which have to be carried out by those who release GMO (§ 45, Abs. 1 GMO-law). The legislator is escaping to clearly fix any length of a security distance, the full responsibility is left to the farmers, who consider the use of GMO. Some values are now praxis at the farmers being in the magnitude of 20 – 25 meters.

This is in strong contradiction to experts opinion, who demand distances of 800 meters in minimum (case GM-corn) in order to become effective, which is different from plant to plant (e.g. 2,5 km in case of raps). Nevertheless full security is not given as the polls are flying up to 14 km by insects per day. One should not forget, that year by year the sand from the sahara is regularly entering our regions in europe and even america depending on weather.

It is also known, that „the polls from raps can be found in distances of 26 km from the place of cultivation of the seed“ (*Ruth Paulig, umweltpolitische Sprechern der Grünen im Bayerischen*

Landtag, in „Quadratur des Kreises: das neue Gentechnikgesetz“, *Umweltnachrichten d. Umweltinstitutes München e. V., Ausgabe 99 / April 2004*).

It was established in an experiment for castration in Korinthia / Kärnten, that in case of corn the distance for transferring of polls is 200 m. From this data we can learn that until now, all security distances are indeed redicules.

Some exemples are given in this place, showing that countries, being willing to maintain their GMO-free agriculture are fully contaminated.

Australia:

Although Australia is a totally separated and GMO-free continent, GMO have been detected now about contamination from other parts of the world! Farmers, therefore, are afraid of the loss of markets as global people prefer to live without GMO.

(*www.cbgnetwork.de – Pressemitteilung from july 16, 2005 „Bayer-Konzern muß Haftung übernehmen“*).

Mexiko:

Although GMOs are forbidden by law since 1998, transgenic contaminations of local corn were found in regions, which are quite separate.

Canada:

33 probes of certificated GMO-free seeds have been analysed, whereby 32 were contaminated.

“The main source of GMO-contamination is the transfer of transgenic polls through wind.

Thus, it can be generally concluded, that contamination through GMO cannot be avoided: coexistence is irreal” (*„Plädoyer für eine gentechnikfreie zukunftsfähige Welt“, ISP-study, june 15, 2003, p. 3*)

Thus, it becomes clear, that all Gep-laws made on the basis of coexistence and security distances are not at all sufficient in order to hinder contamination.

Fazit: The only way out to ascertain the right of self-determination of people will be to fully ban the use of GMO in food-production and agriculture in Austria. So Austria has to distribute this fazit within EU, if wanted to ban contamination from neighbourlands.

§ 2: „All people can freely dispose on their natural richnnesses- in no case peoples basis of existence may be robbed!“

Great danger of robbery of the basis of life is given through the „**terminator-technology**“ and by **patenting of plants** together with the **danger of “partial expropriation by force”** at farmers:

- „the development of **terminator-technology** is especially scandalous.

In more than 87 countries steril seed was announced for patenting, thuis means seeds, which can be used just once! Next year new seeds must be bought at agroindustries.

This is a big dal for industry, they expect a jump-up of sales and growth. Thereby it is neglected, that small scale farmers are unable to buy each year new seeds. Thus, they become dependent and at the same time they are forced to take over debts having no guarantee to gain a good yield. In such a way, this development endangers the basis of existence of millions of –at least small scale – farmers” (*Patent(ierte) Enteignung“, Marlies Olberz, Food First, p. 13*)

The application of terminator-seeds is forbidden up-to-now in Austria by law. It to be questioned if this state can be maintained, when the prohibited import of GMO in EU is lifted and the EU-guidelines for GMO becomes valid.

- But farmers are **becoming dependent** on GM-industries also **via patents**:

big agro-business is going to ask for patents of more and more plants e.g. rice. This means, that in case farmers are cultivating rice in future, they must buy the seeds from Monsanto, year by year (terminator-seeds) and must pay royalties for licensing. Farmers in India created 200 sorts of original seeds being independent. However this would become illegal after patenting leading to high punishments.

“Using the patent-rights, agroindustry is taking over the rights of self-determination on plants, ignoring the rights of indigenous people, as they are not allowed any longer to use their own seeds from their ancestors. This clearly is a case of robbery!”

(„Patent(ierte) Enteignung“, Marlies Olberz, *Food First*, S. 13)

In february 2005 the EU-guidelines for biopatenting (animals and plants) were ratified in Austria under heavy protests of agro-organisations for human rights and environment: the federal government has act against the will of population (see peoples petition for a referendum) and has thereby not taken into account the national as well as extra-territorial duties of states: to respect and protect the right on food of existing and coming generations in the county (which includes the access to natural resources as seeds). Furthermore it was not active in respect to international organisations to fulfill the duties of states on the international level with the aim to respect and protect human rights.

The free access to seed is essential for 1,3 billions of farmers for their survival – with the ratification of guidelines for biopatenting, Austria has disregarded the right for food.

“The result of it is a patentlaw, where traditional prohibitions are not valid any longer ...The only point which is accepted is that farmers are allowed to reuse patented GMO. In case of cultivated area more then 18 ha, they must pay royalties.” This means, that farmers using such GMO-seeds “remain under the property-right of the patent-holder”

(see *Hoppichler Josef* , p. 77 in “*Gefahr Gentechnik*”,2005).

Compared to the existing practise in Austria, where up to 50 % of the cultivations are done with seeds from last year, the coming practise represents a case of expropriation of work and productive value at agricultural products of farmers.

Other consequences from the EU-guideline are foreseen by expert Josef Hoppichler:

“the so called “farmers privileg” (was thereby) extremely limited, which means that the traditional right to reuse and further develop the material endlessly in the own area

as well as to exchange it with neighbours representing a 10.000 years old cultural fact being subjugated by a total commercialisation and control by multinational lobbies” (*vgl. Hoppichler Josef 2005, p. 78 in “Gefahr Gentechnik”, 2005*)

Patents clearly represent per definitionem an exclusive right for use by the patent holder. The rights of all others, contributing to further development - esp. in case of animals, plants and general organisms with productive properties using as basis of life and food - are totally ignored and neglected and - even worth – their practise illegalised.

With the ratification of the EU-guideline has the Austrian government neglected the rights of farmers in case of seed and the access to genetic resources as well as the right of

consumers for appropriate food. This injury is extremely heavy as the interests of economic actors are favoured and the position of monopolies on food-plants and corresponding products are enhanced. It can be expected that situations will occur, where injuries of the right on food for future generation become existent.

Vandana Shiva, the alternative nobel price winner from India, known by here engagement against GMO but for the independency of Indian population, is expressing her opinion clearly: "this is a case of enslaving of farmers" (*Biopiraterie mit Reis-Saatgut*", www.dradio.de, 8.7.04,)

- **Partial Expropriation of Farmers as a case of injury of basic rights:**

ProLeben has sent a claim against EU in order to abolish the EU-guideline, arguing, that

1. the implementation of GMO will lead to a partial expropriation of farmers without offering no substitute at all
2. the guideline is limiting the property right of farmers, which is protected by the constitution, without any consideration of goods.

The claims identifies an injury of the contract acc. to Art. 230 § 2 EGV, calling to declare the nullity of the guideline. (www.proleben.at). Again robbery of the basis of life is identified, thus, an injury of human rights as a consequence of the EU-guideline for the release of GMO.

By recent novelling of the law for GMO and also patents as well as by the ratification of the guideline for biopatents a situation was created also in Austria, where some boundaries have been installed in case of implementing GMO, however, the general use of GMO is regarded as standard practise of agriculture in future.

In fact, the decision resp. redistribution of the authority concerning the use of soil – without correspondingly ensuring any standard on basis right on soil – is a case for the reform of soil. The background makes clear that Austrian government is not only considering small amounts of national areas for the release of GMO but also the complete areas of the totality of member states are included in the right for the release.

The basic contents of such norms in law like EU-guideline for the release, the EU-guideline for biopatenting, have been and will be decided on EU-level. Thus, the Austrian government should have the duty to use all possible measures and chances e.g. vote in the council, initiative for a guideline of precaution and risk management as a political instrument in order to create a better future.

As mentioned before, the Austrian constitution includes a strong protection of the environment so that we could expect from our own delegates to deeply fight for the interest and will of the population also within EU. The release of GMO as well as the patenting of entire plants and animals in Austria have quite heavy consequences for living and future generations, in Austria as well as internationally.

There is no doubt, that described activities from agro-lobbies represent a great danger for the situation of Austrian agriculture, which is dominantly in small scale due to the mountainous landscape and the fact that a great part of farmers is living in a sideline

Existence. Thus, the EU-guidelines result in a drastic change of soil handling. Such a deep reform must be handled in a public discussion and needs basically a different political legitimation as is done now.

Austria would become dependent as a consequence of the EU-guidelines for GMO in food-production and agriculture, it could easily be the play ground of the interests of 2-3 global players. In order to guard against this, ProLeben demands, that the Austrian government to forbid the release of GMO in Austria by law and to become active and convincible on EU-level in order to vote against biopatenting and partial expropriation of landowners

§ 3: „The states of the pact ... have ... to support the realisation of the right of self-determination and to respect this right.“

Acc. to a study ordered by Greenpeace concerning the legal implementation of “GMO-free Regions” in Austria, there exists a number of competences of regions, even a general prohibition for the cultivation of GMO, not being unreal in respect to the EU-guideline in the release. There is a elbowroom for action, not yet used by regional government.

Thus, the federal government of Austria is asked, to exhaust all possible chances.

What we need, is courage and political will in order to install GMO-free regions! The preconditions are especially good in Austria: ... a “GMO-free Region Austria” could be the shining example for Europe in order to protect human beings, nature and esp.agriculture from the risks of GMO („*Rechtliche Umsetzung Gentechnik-freier Zonen in den Bundesländern Österreichs*“, Greenpeace August 2002).

3. *Injuries of the Right of Work (Artikel 6)*

§ 2: „The steps to be carried out by any state of the pact in order to realize the right includes... steps...of a productive full employment under conditions of protecting political & economic basic freedom of Individuals”

Implementaion of GMO in food-production and agriculture is in direct conflict with the basic freedom of people as they are endangered through patents, which increase dependency form big agro-industry in respect to seeds and the contamination from neighbours including al consequences (see last chapter).

Farmers are tempted by financial advantages (e.g. first year seed without payment, state subventions etc.) in order to support the use of GMO. But laterone farmers suffer from the increasing price and are then forced to give up their enterprice. Finally they get into direct dependency on big agro-business, a further part is the political pressure to be progressive and innovative. All eco-social consecuences are ignored and neglected.

In order do not endanger the freedom and rights of farmers, ProLeben demands that Austrian government is going to prohibit the release of GMO. This is the best chance for farmers to ensure on the long run the basic rights and freedoms in connection with the state of independency.

4. *Injuries of the Rights on appropriate Living standard, Right on protection against hunger & Right on food (Article 11)*

§ 1: „The states of the pact agree with the Right ... on ... a continuing progress in living conditions ... and are willing to act accordingly, in order to realize these Rights“

This right is not at all ensured for farmers due to several factors as described beneath.

How many people are concerned in Austria?

In Austria there are about 200.000 enterprises in agriculture and forestry with an amount of 2,5 % of entire population. 37 % (80.200) of these firms act as 100% farmers i.e. the income for the family stems purely from agriculture. The main part of products are sold in the county itself. 41% of the used area is farmland and the same amount is given as part of total area.

In agriculture 26.000 people were employed in the year 2003, the amount of jobless people in agriculture has decreased. The mean income was 1.346 Euro in case of man and 987 in case of females (www.lebensministerium.at/ - *Agrarstruktur in Österreich*. Compared to other groups the mean income there was higher (2.209 Euro for man and 1.316 Euro for females) than in agriculture work – what shows clearly the poorer position of farmers in society.

Austrian agriculture exhibits a mean size of 16,3 ha, quite small compared to Europe (32 ha in Germany). 12% are fully biologically oriented representing 14 % of area – this is the highest level of biologically farming in Europe.

The **greatest danger for ensuring the right is contamination** and, thus, destruction of existence: “analyses in N-america show, that more than 90% of plants grown by biofarmers are contaminated by GMO” (www.cbqnetwork.org – „GenFood-Nein Danke“ v. 2.7.2004).

“In a recent study published by EU it was calculated, how many costs it will bring, when growing GMO next to conventional and biological agriculture. It is concluded that it is very hard to avoid contamination although using quite low amount of GMO. Only with lost of money the contaminations can be suppressed” (www.bmu.de/pressearchiv „Langzeitbeobachtung von gentechnisch veränderten Pflanzen ist unverzichtbar“ v. 13.6.2002).

Further on a report ordered by the EU-commission in 2002 showed the following result: “The production of GMO-free plants is impossible in a region, where GMO are cultivated. Even when farmers would accept a contamination of 1%, this would lead to supplementary costs until to 41%” („Gentechnik - Designerkost für alle“ *Der Spiegel* 12 / 2003 – 17.03.2003 p. 4). These costs – in addition to the zones of (uneffective due to transfer by wind & insects) security distance, the loss in income for the farmers due to costs for analyses and reduced price for the product is detrimental.

In this sense, also the German minister for environment Jürgen Trittin is warning, that the release of GMO in nature will result in great danger for biodiversity! (www.bmu.de/pressearchiv Nr. 181 / 04 / from 22.06.2004 „Trittin: Auskreuzung genmanipulierter Organismen gefährdet biologische Vielfalt“).

Even the responsible EU-commissionary Franz Fischler saw “the impossibility of coexistence between natural plants and GMO agreeing that it will be quite hard for biofarmers to prohibit the spread of pollen from GMO on their fields” (see “Between forced action from EU and recruitment of government officials”, Klaus Faissner in „Gefahr Gentechnik“ p. 60)

The rules for liability are not sufficient, the user may be obliged to compensate the damage, but the damage, however, must be proven by the damaged farmer. In case the contamination is

reality, then the costs for analyses must be brought up by the damaged farmer, afterwards he has to find the guilty person in order to claim him (§ 79 of GMO-law).

In this procedure many terms are unclearly defined and, therefore, not to be used in the statement of a claim - e.g. not to burden the GMO-farmer "disproportionately" - making an end to all compensations of damage. This includes e.g. that the GMO-farmer is liable only up to a minimum for his own existence including all his properties. At a mean income of about 1000 Euro in agriculture a full liability is not at all given, the costs of the damage are not covered!

No one assurance worldwide is willing to take over the risks. 1 billion of \$ were thought to be appropriate for compensating the damage of soil and recovery including the collection of contaminated GMO-products in an American judge in USA. („*Quadratur des Kreises: das neue Gentechnikgesetz*“, *Umweltnachrichten des Münchner Umweltinstitutes e. V. Ausgabe 99, April 2004, p. 5*)

Clearly all actions to guarantee security against contamination are surpassing the capacity of any farmer. Acc. to § 109 Abs. 3 GMO-law a penalty of 7.260 Euro is given, if a farmer is not taking care for needed security steps - this is contraproductive and ridiculous – because it's cheaper for the farmer to pay the penalty than take security steps.

Furthermore it is possible, that the farmer with the damage is receiving a claim with the background that he used GMO-seeds! He must prove that it was not planted by himself without paying the seed by the GMO-industry - becoming then a claim to pay the seed now - also in case of contamination! Monsanto in 1998 was doing so in case of the canadian farmer Percy Schmeisser, who was sued for the total selling value yield of his bioplants, which have been contaminated by a neighbour. The one to suffer is in any case the contaminated farmer losing his existence.

Such case cannot occur, when the growth of GMO in Austria will not be allowed and the liability for all risks is given to the GMO-industry as the supplier of the GMO to farmers.

It should be clear from before, that the penalties must represent an exemplary punishment, which is deterrent.

The relatively small structured agriculture in Austria, the great part of ecological sensitive

Areas and the equal distribution of biofarming are the fact logically not allowing the release of GMO as it would result in drastic exhaustion of GMO-free farmers (*Grüne Initiativen für Gentechnikfreiheit*).

This is a chance for Austria, we could claim within EU the fact of exception as "ecologically sensible area". Another idea is to formulate our own law for agriculture in direction of GMO-freedom. The contamination level mentioned in EU-guidelines is not in agreement with the guidelines for biological agriculture, so we could escape the rigorous EU-guidelines! On the other side, agro-industry is not sleeping, their intention is to weaken these bio-guidelines in order to make them compatible with the GMO-guidelines! ProLeben, thus, demands from Austrian federal government to hinder such a development under all circumstances („*Richtlinienentwurf der EU Kommission zur Verunreinigung von Saatgut mit gentechnisch veränderten Sorten*“ www.saveourseeds.org September 2003 p. 2)

As a first step Austria could ask for a renunciation of GMO-seeds as precondition in order to fulfill the prerequisites to take part in the programme of environmental agriculture (ÖPUL), which includes 88 % of areas and 75 % of enterprises!

The EU-guideline for GMO- release (article 26 a) gives the right to member states to start actions in order to prohibit the presence of GMO in other products. All mentioned case studies mirror the fact, that coexistence is realistic in no case. The only way out in order to really avoid GMO-contamination, is to prohibit the use of GMO. This vision could be realized in Austria also acc. to EU-guidelines!

Another **reason endangering the right is the threatening dependency of farmers on big agro-industry**, which are acting quite unreasonable using false promises: the increase of yield, the decrease of pesticides etc. A contact with agrobusiness is needed, where seeds as well as pesticides must be sold from the agrobusiness." Such contracts are one of the devilishest pacts in the world, a robbery of farmers rights" says Percy Schmeiser (*"The case of Percy Schmeiser against Monsanto"* from Percy Schmeiser in *"Gefahr Gentechnik"* p. 191). The content of such contracts is e.g. that the farmer is not allowed to reuse his own seeds, he must buy it from the industry together with the pesticides – and finally the duty to keep silence! Growing GMO includes furthermore to pay royalties in the coming years.

"This represents the main anxiety of many home farmers, to loose all rights of self-determination on seeds and to become dependent on multinational industries" (Percy Schmeiser in *"Gefahr Gentechnik"* p. 191).

It is however true, that GMO-seeds costs 4 times the price, the pesticide demand is increasing and yield is decreasing down to 10% or even 100 %! This was the reason that 25.000 (!) farmers in India "escaped" this situation by suicide as they saw no way out due to high debts!

In Argentina, 10 years after the start-up of GMO-growth, 160.000 farmers lost their job and have nearly nothing to eat (www.proleben.at/uns1.htm).

A long time study in Andhra Pradesh/ Indien showed the result, that GMO-farmers were owing less than 60% in the last three years compared to conventional seed farmers. More than 10.000 small scale farmers have left nothing for living (www.heise.de / Artikel „Asiatischer Dämpfer für grüne Gentechnologen“ von Gerhard Klas from July 10, 2005).

The conditions for life – for farmers as well for consumers – will decrease when implementing GMO in food-production and agriculture as demonstrated in the case of India and Argentina. "The higher costs of GMO-plants including the increased amount of pesticides / herbicides needed, the decrease in yield, the cost for seeds and the reduced market result in the drastic decrease of income of farmers.

The first economic analysis of the situation of farmers using bt-corn in USA makes evident, that the net-loss between 1996 and 2001 was 92 millions, or 1,3 US \$ pro hectare!" Farmers themselves reported "smaller yields, increasing dependency on pesticides/herbicides, less access to the market, and reduced profitability, so that farmers are easily becoming more dependent on agro-business. " (*"Plädoyer für eine gentechnikfreie Welt"*, ISP-study, 15.06.2003, p. 6). This report was done by international experts summarizing the main danger of GMO and representing "strong arguments for a worldwide prohibition of GMO and for a new way in direction of "agro-ecology"" in the sense of Terui Higa from Japan using symbiotic microbes to fertilize the soil according nature. The ISP-study shows clearly that GMO is not sustainable in future and indicates also clearly that only using the diversity of local resources is resulting in a sustainable development! It is essential "to give freedom to local farmer to decide, what they will grow and how they are going to improve their plants and, thus, their living quality" (ISP-study *"Plädoyer für eine gentechnikfreie Welt"*, 15.06.2003, p. 17)

Thus, as a conclusion, Austria would be asked to ensure that no GMO will be used in food-production and agriculture, guaranteeing the progress of living conditions in the future!

§ 2: „... Right of all people to be protected against hunger“!

This right is in the moment not at all guaranteed for farmers and consumers as will be demonstrated beneath:

At farmers:

The implementation of GMO in agriculture in countries, where they were using them since many years, lead to less harvest and even total breakdown. In order to protect their own population against it the government of Andhra Pradesh in India has forbidden to sell GMO-seed and furthermore they were asking 8,5 millions Euro as compensation for the farmers from Monsanto. Supplementary to this, 140 labor unions of farmers and NGO's demanded from the state government "to declare the region of Andhra Pradesh as the first GMO-free region in Asia! Obviously the life of people is less then the profit of investors from outside."

(„Asiatischer Dämpfer für grüne Gentechnologen“ , Gerhard Klas, july 10, 2005).

Usually government are suppressed by the big agrobusiness, on the expenses of population and against the human rights. "A sustainable protection of food supply needs an agriculture, which is based on healthy, fertile soil, clean water and a high diversity of animals and plants." (Greenpeace: „Gentechnik: Keine Hoffnung für die Hungernden“, october 1,2004)

Thus, a sustainable agriculture is to be promoted based on traditional knowledge and wisdom, respecting regional culture and regional environment in order to ensure food supply. Thereby GMO are absolutely excluded.

At consumers:

Caused by GMO all food is easily contaminated. Consumers have then only the chance to become ill (see point 5) or to refuse the buying of food. About 80 % of entire GMO goes to feed production for animals. Food produced from such material must not be marked.

In Austria 2/3 of the agricultural products result from animal products importing 550.000 tons per year GMO-soja for the production of animal feed, coming then without marking to the consumers tables. "The concept not to be obliged to mark such products is, however, not a mistake but is part of the political strategy: agroindustry was accepting the obligation to mark GMO-products under the condition, that animal products remain without markings ...". The pattern of behaviour of agrobusiness is clear: transparency is expensive, so they mark all their products as GMO-products. "Doing so, GMO-free animal feed will disappear as it will be too expensive to be produced! This will be the beginning of the end of free choice for the consumers." („Illusion of free choice“ by Thilo Bode in „Gefahr Gentechnik „, p. 142 / 143)

On the other hand, as can be shown by the case of Switzerland and other regional initiatives, GMO-free products are possible. Austrian government was not becoming active in this direction, no adequate boundaries have been implemented.

Consumers are paying for the costs of coexistence including all measures for security. Prognoses were made showing that the price resp. taxes will increase up to 40 % for GMO-free products!

This situation clearly is in direct contradiction of the *General Comment no. 12 for the right on food*, point 13: "the state must ensure economic access to food. This means, that expenses for food must not surpass the income in such a way, that other basic needs cannot be fulfilled".

Also in the *guidelines – based on free will - of FAO from november 2004* is written down for the support of a stepwise realization of the right on appropriate food under the boundaries of national security for food:

“The states of the pact should respect the access to appropriate food by avoiding any activity in direction of prohibiting the access, and should protect the right of all people on food, which could be endangered by enterprises and individuals having the intention of prohibition of the access” (preamble, point 17). This means that no state should import GMO for food-production and agriculture as thereby the access is prohibited by patenting and royalties, dependency through monopolisation of seeds and the contamination of neighbours, so that harvest is destroyed and food not available.

- The state has the duty “to create surroundings so that the individuals as well as their families
- are able to take care on their food” (part II, guideline 1, 1.1). In order to guarantee these surroundings any dependency from agrobusiness is to avoid, as the danger exists, that pesticides as well as seeds must be consumed. All mentioned experiences mentioned before result in the clear statement, that “no sustainable progress of life supply” is given with GMO-products (part II, guideline 2, 2.4).
- In the General Comment no 12 in respect to the right on food this duty for security is clearly formulated (point 15): “the right on appropriate food ...is loading the states of the pact ... duties in form of duty for respect, protection and fulfillment. The duty for respect ...means
- that all steps are to be avoided leading to prohibition of the access. The duty of protection means, that states ensure that this access is not inhibited through enterprises or individuals.
- The duty of fulfillment means that states must enhance the access and use of resources and
- methods ensuring life supply esp. security for food”:

a) “in order to increase the methods for the production, durability and distribution of food with the full aid of technical and scientific knowledge ... as well as by the development or reform of agricultural systems... with the aim of maximum production and use of natural sources”

b) „in order to ensure a corresponding fair distribution of food in the world considering the problems of the exporting and importing countries”.

“There is an accumulation of indications from research that GMO can result in environmental problems. A lack of data is to be reported concerning the consequences for biodiversity and fertility of soil. It should be clear, that biodiversity must not be affected through GMO”

(Umweltbundesamt Präsident Prof. Dr. Andreas Troge, www.bmu.de/ pressearchiv: „BMU legt Vorschläge für Monitoring-Konzept vor“, Berlin, June 13, 2002)

“A lie in the propaganda of the GMO-industry was unmasked: it is not true that GMO needs less Pesticides but the truth is that GMO needs more pesticides year by year”. “More pesticides are sprayed over GEP”, scientific study from Benbrook in *Ökologo* 1/2004, p.2). An increase of 50-60 % is found (“Uneconomical at the long run” by Klaus Faissner in “Gefahr Gentechnik”, p.234).

Only in case of GM-corn 2 highly effective toxins and 1 antibioticum is entering soil and food: 1 insecticide (the toxin of *Bacillus thuringiensis* contains the bt-toxin), 1 plant toxin (Glyphosate Roundup) and the antibiotic-resistant gene Ampicillin resulting in resistance against antibiotics used in human health care!

All weeds are extincted. "Those (weeds) exhibiting a better survival, however, are going to adept themselves .. and grow better then before in such a way producing herbicide resistant "super-weeds" leading to the fact of increased doses. Thus, the increased dosis of the pesticides and herbicides results in contamination of the ground water. Experts criticizing GMO warned early, that such monocultures will create ecological catastrophies. Another reason for the increased use of pesticides is the appeareance of new forms of pests for plants. Thus, the scepticism of Europeans was and is justified: expensive GMO are not improving the economic and ecological situation of agriculture at all" (*„Über Gentech-Pflanzen wird mehr Gift versprüht“, wissenschaftliche Studie von Benbrook, Ökologo 1 / 2004*).

However, the use of toxins and antibiotica in case of food is forbidden by EU and is in contradiction with human rights.

As an illustration the case of the pastureland of the farmer Gottfried Glöckner in Germany, who was the first applying GM-corn, is to be mentioned on this place: 3 years after stopping the feeding of his cows, the soil was contaminated through the bt-toxin in such a way that cows bacame ill after only 1 day of grazing!

"10 years after the implementation of GMO in agriculture it can be stated: none of the promises of agro-industry was becoming true: neither higher yields nor better ecology. In the contrary, the ecological consequences are a heavy catastrophe! Treasures of nature became a victim of maximization of profit. Through the exessive use of total-herbicides the soils are damaged so much, that they are going to loose their fertility soon resulting in drastic decrease of harvest." (*„Gen-Pflanzen erfüllen Erwartungen nicht“ Andreas Bauer, Umweltnachrichten 100 / 2004 p. 25*). In the mean time "a study based on long term analyses the extensive negative effects of GMO on flora and fauna was ascertained" (*„Gen-Pflanzen erfüllen Erwartungen nicht“, Andreas Bauer, Umweltnachrichten 100 / 2004, p. 23*). Fertility of soils goes down and ground water is contaminated. The access to nature is endangered!

Fazit: through GMO "the maintainance and sustainable use of natural resources" (part II, guideline 2, 2.5) - which is claimed by FAO-guideline – is heavily endangered also in Austria.

Proleben is asking the federal government to follow a policy, which is allowing the farmers "to gain a fair income from their work, capital and faculties" (*partl II, guideline 2, 2.5*), independent from agro-industries as they intent to enslave them in full dependency of monpol..

The government should support the access to "suitable and reasonable technology, matter for production and financing and stable employment" (partII, guideline 2, 2.6) and " to protect the Capital, which is important for the life support oh people especially considering groups like stockbreadders ...and the relation to natural ressources" (*part II, guideline 8, 8.1*).

All these facts are endangered through GMO. It is to expensive and don`t improves the Situation of income and production for farmers.

Furthermore all states should inhibit the "decrease of plantgenetic ressources" and „ensure the protection of the corresponding traditional knowledge and the fair participation on the gain from the use of these ressources" (*guideline 8 D, 8.12*), as well as "to consider steps to protect ecologic sustainablity and carrying capacity of ecosystems, in order to ensure the production of sustainable food also for future generations, to prohibit water pollution and to protect fertility of soil" (*guideline 8E, 8.13*) and to support farmers "at the application of reliable agricultural technics" (*guideline 9, 9.5*)

Recently a new study was published from Great Britain (*Proceedings of the Royal Society B*), executed by the Institute for Grassland and Environmental research in Aberystwyth, manifesting the dangerous consequence of GMO on natural ecosystems: 11 million US \$ were spent, 150 researchers operated in order to look after 1 million of plants and 2 millions of insects in different part of Great Britain. The result was showing that GMO drastically decrease the number of butterflies and bees resulting in a heavy influences on the birds living from insects. It is clear from this scientific study containing scientific and rational arguments, that nature and agriculture are directly linked (Magazin *Nature* from march 22, 2005, <[www. Innovations-report.de/html/berichte/umwelt_naturschutz/bericht-42079.html](http://www.Innovations-report.de/html/berichte/umwelt_naturschutz/bericht-42079.html)>

„Gentechnology fighting against the hunger in the world”

“It is grotesque to identify those agro-industries applying GMO together with all mentioned problems in order “to solve the problem of hunger”, who created hunger, destroyed soil, polluted ecosystems and the monopolization of power!” („*Gen-Pflanzen erfüllen Erwartungen nicht*“, Andreas Bauer, *Umweltnachrichten* 100 / 2004, p. 24)

World population could be fed quite well without hunger, if distribution of food is going on together with efforts to maintain an/or enhance fertility of soils and to maintain biodiversity.

Thus, GMO in food-production and agriculture are not really contributing to solve the problem of hunger, it is intensifying it.

Developing countries found out, that „GMO are destroying biodiversity, which have been developed during the last thousands of years. Therefore GMO destroys also the possibility of the .. people to feed themselves. Organisations from development policy like “Christian Aid” or “Brot für die Welt“ consider GMO, the so called “green gentechnology” as contraproductive increasing hunger and poverty.

Fazit: In order to ensure food security in the world, we must improve the eco-social conditions based on common eco-social standards in connection to the “eco-social market economy”. Any short term increase of the yields using pure technical technics at expenses of the environment and humans is seen as the wrong way. Economy is based on nature, an destroyed ecosystem will not feed future generation! Thus, sustainably ensuring food supply needs an agriculture, which is maintaining nature in its carrying capacity: fertile soil, clean water and air and a great regional biodiversity.” (www.greenpeace.de/themen/gentechnik/ „*Gentechnik – keine Hoffnung für die Hungernden*“ from october 1st, 2004).

In order to improve methods of productions, distribution of food and better use of natural resources ProLeben is demanding from Austrian government to prohibit the implementation of GMO and to become active at the international and EU-level to disseminate the fact, that GMOs in food-production and agriculture are not solving the problem of hunger as only a fair distribution of food together with efforts to enhance fertility of soil and biodiversity will contribute to solve this global problem.

5. *Injury of the Right for Health of Body and Soul (Art. 12)*

§ 1: „The states of the pact accept the right of all people to maximize the health of body and soul“

The FAO-guidelines are citing the declaration of Rome on World Security of Food from 1996, where “chairmen from states and governments are confirming the right of each human to have access to healthy food” (preamble, part I point 2).

Under *point 15* one reads: “security for food supply exists, when all people at each time have physical and economic access to appropriate, healthy and safe food”.

Point 16 means “the stepwise realization of the right for appropriate food, which needs that states fulfill their duties for human rights acc. to the Right of People”. In addition to it the availability of food “without unhealthy materials” is to guarantee including the duty (*point 17*)

to protect this right “against industries and individuals intending to hinder this access.”

In the General Comment no 12, under point 10, one reads, states have to ensure that changes in conditions and availability and at the access are not effecting the composition of food.

On the 100. Deutsche Ärztetag it was mentioned that risks for human health in the application of GMO cannot be excluded. The report of the ISP-study (Independent Science Panel) from June 15, 2003 clarifies the essential dangers of GMO in food-production without hesitation: “We don't need bio-terrorists if we have genetic engineers” („*Plädoyer für eine gentechnikfreie zukunftsfähige Welt*“, ISP, London, June 25, 2003). The report is a compilation of evidence, a “§strong argument for a worldwide prohibition for the release of GMO” (p.2). “The most important fact is, that it was never proven GMO being safe. On the contrary, serious experiences were made being sufficient to question the security of GMO for humans and nature.”

Global 2000 is reporting since many years the lack of careful and long term risk assessment of gentech-food („*Erkenntnisreiche Mäusefütterung?*“ from Brigitte Zarzer, October 12, 2004, www.telepolis.de) Gentechnology is known at assurance companies to represent uncalculable risks with the consequence that no one will take over an assurance for implementing and using GMO!

Acc to EU-right the EFSA (European Commission for Safety of Food) is responsible for this topic and has to control the admission of GMO-products for food. Their decision forms the basis for final decisions of the Council of EU-Ministers in case of GMO-food and – seeds.

Acc. to Greenpeace the EFSA is allowing the admission of GMO, “which contain dramatic danger and also technical weak points. Obviously the priority in the decisions is given to

Economic interests and not for the protection of consumers and nature. In case EFSA would control carefully all applications, nearly all of them must have been refused”. Indications for risks have not been followed and admissions were accepted although there was a lack of data

Greenpeace veröffentlicht neue Studie zu Sicherheitsrisiken“, www.greenpeace.de, 23.04.04).

This procedure of assessing food security was failing from the beginning as reported by the ISP-study:

- Lack of long term consequences for health (testing was only 28 days, although it is known that damage is becoming evident after 90 days resp. 3 years as in case of pharmaceuticals)
- Ignoring existent scientific results on identified dangers

Statements like this are numerous: “the best tested GMO-food”... have no long term study ever executed in the world, we miss scientific studies on health problems for humans (*in the introduction of Klaus Faissner in „Gefahr Gentechnik“*, Manfred Grössler, p. 13). The article of

worlds best expert on this area, professor Terje Traavik from Tromsø in Norway in this book (p.245-253) is opening the eyes.

ProLeben is concluding in its claim against EU, that the EU-guideline gives no norm for any "Examination of environmental tolerance" (Umweltverträglichkeitsprüfungsverfahren UPV), being suitable for risk assessment: "Neither the needed fundamentals for the judgement of the consequences nor the protection of conventional and biological agriculture have been formulated. Thus, ProLeben is voting for the nullity of EU- guideline" (www.proleben.at – EU_Klage, summary)

As mentioned in the IPS –study the situation is similar to "anti-precaution" ... "in order to enhance the admission of GMO-products at expenses of security (ISP-Studie p. 8).

Acc to IPS there exist a number of experiments, listed accurately, informing about safety of GMO-food. They have been "overlooked" however. "GMO-food is unacceptable, as they are not at all proven to be safe ... Although a lack of studies on health risk of GMO-products is evident, the existing findings are sufficient as indications for heavy consequences (p.16):

- Feeding rats with GM-corn showed, that after 90 days (!) changes in blood, increased blood sugar, inflammation and shrinking of kidney were found (*Prof. Gilles-Eric Séralini, Université de Caen, France*)
- feeding rats with gentech-potatoes resulted in shrinking of organs and destruction of immunosystems. (*Researcher Arpad Pusztai from the Scottish Rowett-Institute*).
The findings of Pusztai were repeated meanwhile through 23 independent labs and researchers confirming them the result, that the consumption of GMO-food is possibly cancerogenic ("*Initiative for prohibition of gentech-food*" www.netlink.de/gen/home.htm, p.3-4).
- human cells treated with „Roundup“ herbicide from Monsanto resulted in damage through plant-toxins, possible influence on sexual hormones cannot be excluded together with negative effects on reproduction system including problems during pregnancies (*Prof. Gilles-Eric Séralini, Université de Caen, France* in www.zdf.de 25.8.04 "Zu Grunde manipuliert oder optimiert? Experten streiten über Nutzen und Schaden von Genfood"
- feeding of 60 cows with bt-corn leading to sickness of all of them after 3 years with sticky diarrhoea, inflammation of inner organs, calcium values in the blood going down to zero, udder being perforated, missformed calves born. Many of them died. (case G. Glöckner)
- infertility of pigs, cancerlike alteration of mice (*Engdahl, Pascalstudy, Paris, 28.1.05* (www.proleben.at))
- anaemia at mice (LeMonde, 22.4.04)
- Genmanipulated DNA can be transferred into bacteria human intestine
- Chicken can exhibit twice as high death rate (in *Zeitfragen* from 22.04. of F. W. Engdahl)
- Polls of bt-corn caused massive illnesses of intestines and respiration tracts of farmers in the Philippines living near to fields, where bt-corn was grown. Professor Terje Traavik, director of norwegian „Institut for Gen-Ecology“ founded that this is due to effect on their

immunsystem caused by the bt-corn. („Gen-Pflanzen: Gefahr für Mensch und Umwelt?“ *PM-Magazin* 11 / 2004 p. 13)

- For the first time scientists identified traces of GMO in the milk of cows. Up to now agroindustry insisted that this is not the case. This study was locked for 3 years! (*WeihenstephanerForschungszentrum für Milch und Lebensmittel Bayern* www.diemucha.at, 23.06.04 : *Topstory: Augen auf! Gentech raus!*)
- studies of feeding rats with gentech-corn producing an insecticide caused damage of health. The corresponding documents have been locked in secrecy by Monsanto and where opened successfully by claim of Greenpeace (*Brisante Experimente*, 22.6.05, www.greenpeace.at)
- Studies on mice is manifesting the transfer of DNA from feed to organisms with possible effects on the immunsystem (*Study of Shaare Zedek Medical Centers Jerusalem, Gastroenterology* 2004, Volume 126 – 2).
- Parts of DNA from GM-soja and GM-corn are taken up from lymphatic vessels being transported afterwards by blood circulation system to organs at mice, cows, chicken and pigs. “Even in the milk and in meat traces were found from DNA of the feed. At nematodes it could be shown that DNA from feed can lead to gene-silencing.

These results indicate that risk assessment up to now was seen too narrow focussing on proteins only. Clearly the existing data for assessing food security in case of GM-Roundup-Ready-soja and bt-corn is not at all sufficient (*Werner Müller, Gentechologyexpert of Austrian Environmental Organsiation Global 2000 in „Erkenntnisreiche Mäusefütterung?“, Birgitte Zarzer, 12.10.04, www.telepolis.de*)

- independent scientist identify regularly in studies with animals drastic alterations of kidneys, liver and blood caused by GMO (*Umweltnachrichten* 100 / 2004 S. 23)
- since the implementation of GMO in USA 8 years before the illnesses caused by food show an increase of 40% (*Umweltnachrichten* 100 / 2004 p. 23) representing a two to ten fold increase (*ISIS report from november 3, 2001: “illnesses caused by food increased two to ten fold in USA”*)
- “the drastic increase of allergies and other illnesses is possibly caused by pesticides” (*British Society for Allergy, Environmental und Nutritional Medicine, „Plädoyer für eine gentechfreie zukunftsfähige Welt“, ISP june 15 2003, p. 25*)
- it cannot be excluded that transgenic DNA penetrating the genome of animal cells causes an initiation of cancer. Possibly the feed stuff of GMO is enhancing this risks also at humans consuming GMOproducts from animals. (*ISP „Plädoyer für eine gentechfreie zukunftsfähige Welt“ ISP 15.06.2003 p. 3 / 4*).
- GMO-products are potentially more dangerous than traditional food products: genetechology is introducing new dangerous allergens and toxins into food. GM-bacteria used for the increase of production of tryptophan as food additive resulted to the death of 37 persons and 1500 people with permanent paralysis due to unidentified toxic by products (see “*genetech-food a serious menace of health*” p.4, www.netlink.de/gen/fagand.html). The cousin of one of the persons signing this claim, Volker Helldorf, was effected by this pharmaceutical: the assurance was paying a social insurance, while the producers was not taken into his responsibility.
- “There are lots of publications of scientific studies concerning the jump-up of use of Glyphosate as main pesticide (Roundup), which is responsible for a great threat for

human health as well as for animals and nature" (ISP-study "Plädoyer für eine gentechnikfreie zukunftsfähige Welt from june 15 2003, p.11)

- Researchers from the York Food Lab found out, that allergies caused by soja lead to an increase of 50% in the last year. The study made by Europes leading experts in foodsecurity showed, that problems with GM-soja, which is the most used gentech-food, increased from 10 to 15% last year. "this is a real prove of the immense danger for human health" ("*allergies caused by soja has increased drastically in the last year*" www.netlink.de/gen/Zeitung/999/9903/2b.htm)
- In USA the redemption of food contaminated by GMO-products resulted in costs of more than 1 billion of US\$! Thus, it is clear, that the this was caused by GMO, which are seen not to be safe and without risks (p.15).

Alltogether, these cases are showing that the "substantial equivalence" between natural food and gentech-food, which is used by EU, is not valid!

"Until today the long term risks of GM-food are unknown. Economic interests of only few big agro-industries must not have priority over health of millions of consumers" (Philipp Mimkes von der Coordination gegen Bayer-Gefahren in einer Presseerklärung from febrzary 11 2004 „Großbritannien: Erneuter Rückschlag für Gentechn-Programm von Bayer CropScience“, www.cbqnetwork.org).

„Based on the drastic lack of knowledge about risks for health and consequences for ecology as well as for economy the approval of commercial release of GMO is not acceptable“ („Trans-gene Pflanzen im Freiland: Situation in Europa und Forderungen des Umweltinstitutes München e. V.“ www.umweltinstitut.org, Petra C. Fleissner, *Umweltnachrichten* 82 / 1998).

All these facts are the list of suspicious risks of GMO: " more and more scientific studies suggest that DNA from food can have drastic effects on human organism: in the sense of a maximum of precaution all these unknown facts must be clarified. The release of GM-food is, thus, in strongest contradiction to responsibility for life" (www.telepolis.de „Erkenntnisreiche Mäusefütterung?“, B. Zarzer, 12.10.04).

a),... Improving all aspects of hygiene of environment & at work

Caused by the drastically increased input of pesticides connection with GMO the environment as well as the working conditions of farmers will be damaged very strong in the handling of these things including neighbours (s. point 4, § 2 a and , 5 / *Kurzüberblick Untersuchungsergebnisse*).

b), Preventing ... sicknesses at work and other areas“

Known risks for health (increase in allergies, death of cows, alterations at rats, missformations at birth of animals, identified DNA etc) are evidently tolerated instead of carrying out through long term research, existing studies were ignored or even hold back in secrecy.

The increased use of pesticides is enhancing sicknesses at work as shown on this place:

“broadly active herbicides are highly toxic for humans and other species: Glufosinat-Ammonium and Glyphosate are released through herbicide-tolerant transgenic plants representing worldwide 75% of transgenic plants. Both are systemic metabolic toxins which are thought to lead to

damaging effects, which are proven in some cases. ... Glyphosate ist the most often reason for diseases and toxications in Great Britain. Manyfold disfunctioning of the body are reported using just "normal" amounts of toxins. Contact with Glyphosate is doubling the risk of breaking off pregnancies spontaneously or even later on. Children were born having increased diseases in behaviour due to damaged nervous system when people applied Glyphosate. ... Roundup (based on Glyphosate) causes disfunctioning of cell division correlated with initiation of cancer. Known effects ... are thought to be seriously enough in order to stop any further use of such herbicides" (*„Plädoyer für eine gentechnikfreie zukunftsfähige Welt“, ISP, june 15 2003, S.3*)

The Austrian statistics on incidences in case of gainful self-employed farmers including their families show, that 15% suffer from such herbicide – effects. 35% of them have toxified respiration system even corroded, 16% with effected eyes and 11% at hands and arms. Any further intensification of the use of pesticides by applying GMO in Austria would lead to a drastic threat for health of working people.

6. Injuries of the right for freedom in sciences and research (Art. 15)

§ 3: „The states of the pact agree to respect the freedom in respect to the creative work as a prerequisite for scientific research”

Freedom in research is no longer given! 95% of scientists in the area of genetics & genetic engineering work dependently in direction of industry. In case they produce data and result, which are not in agreement with expectations of industry are punished by losing their job and/or losing financing and materials for the research (*“A film for Life”, Bertram Verhaag in “Gefahr Gentechnik, p. 183-186*).

“Nearly all transgenic plants are admitted in USA, where security tests are based on “consultation by free will” of genetch-industry. They are deciding, which data are given to

the administration body. This means, that industry is making the admission themselves!

... This fact is a scandale by itself but is even worth by infiltration of authorities through employees of genetch-industry!! And based on this data from USA the admission in Europe

is done! The situation is found in case of EFSA, where many employees from genetch-industry are part of this group being responsible for food security!” (*Gen-Pflanzen erfüllen Erwartungen nicht“, Andreas Bauer, Umweltnachrichten 100 / 2004*).

„This behaviour of EFSA is incredible, near to crime, as their expert opinion represents the basis for decisions of EU-commission”. It became evident “that some members of this group

directly or indirectly belong to genetch-industry! “ (*„Zwischen EU-Zwängen und Beamtenwerbung“, K. Faissner in: „Gefahr Gentechnik“, p. 64*). Thus, the independent state of scientists is regarded as one key factor. “There has been a history of misrepresentation and suppression of scientific evidence ... Many experiments were not followed up ... (*ISP „Plädoyer für eine gentechnikfreie zukunftsfähige Welt, june 15, 2003, p.9*)

Data serving for the judgement of risks of GMO must have access to the public acc. to EU-law. This path is not always followed: quite often such data are kept back in secrecy from industry. It must be mentioned that even the EU-commission has an ordered study not made transparent, because it had the result, that coexistence between conventional and biological agriculture with GMO is totally irreal!

The findings in case of the cows damaged from bt-corn (G.Glückner /germany) disappeared, obviously in order to maintain silence and order.

As long term studies are missing, EFSA is in contradiction to EU-guidelines, which are forcing to cry out such analyses in order to identify risks for future generations. In case of pharmaceuticals, 7 to 10 years are needed for research before admission is given. Thus, how long must research been carried out in case of GMO-fodproducts effecting 450 millions of people? GMO are irreversible!

“Furthermore it is unbelievable that beyond the lack of long term studies the studies of the eco-social consequences have been carried by the applicants themselves!” We can conclude, what already was written before, that the main part of scientists as well as other industries are totally dependent from agro-business. (*“Ausgeblendete Risiken” from Werner Müller and A. Velimirov in „Gefahr Gentechnik“, Manfred Grössler, p. 237- 239*). The only chance, thus, is that society by itself will spent money for carrying out serious independent research. ProLeben is asking this effort from Austrian government.

Already in 1998 a laywer in USA was elucidating internal acts showing that the american government is missleading worlds population in case of health risks, caused by GMOs in food. A publication of FDA, the american Food & Drug Adminstration responsible for admission, showed that the warnings of american researchers were ignored and that facts were illustrated in a wrong way in order to help biotech-industry! Nearly 10 years official FDA was misleading the public in case of GMO-food! Laterone, FDA admitted that they were forced to act in this way. Written documents from FDA researchers show clearly that original lab-data on GMO-food are proving the health risks! Offical FDA ignored these statements by stating that there are no risk for health, thus, gentech-food is substantially equivalent to natural food and need no security checks! (*“US-lawyer is unveiling: american government is misleading the world about health risks of gentech-food” in www.netlink.de/gen/druker.htm and www.biointegrity.org*).

A study made by the Öko-Institut in Freiburg, Germany clearly speaks in terms of neglecting health risks of gentech-food for mankind and nature: risks for the release are not at all analysed and deeper considered. An author of the study, biologist Beatrix Trapper, says: “Those who are not looking, will see and find nothing” (*dpa from december 17 1996 in “Green party feels confirmed: Gentechology is a highly risky technology”www.netlink.de/gen/zeitung/1217.htm*).

We have to state here, that the behaviour of government indicates the contrary: the existing platform <dialoge-gentechnik> (see www.gentech.at) is the only one getting financial support from federal ministers. However, this platform is only promoting GMO without any consideration on the dangerous consequences for men and nature!

ProLeben is therefore demanding clearly from Austria government, that money is given for risk assessment of GMO-food instead supporting onesided groups and in such a way injuring human rights and even disregarding the Austrian constitution!

A real creative work is completely impossible for farmers under such conditions as it is not allowed to grow own seeds, only patented seeds exist. Rice, a main food in Asia, also was tried to patented recently e.g. in India while 200 original sorts of regionally adapted rice are collected by farmers. This independency obviously is intended to be broken from Monsanto...However the GM-plants are not adapted to regional soil and conditions! Nevertheless farmers should pay royalties...leading to enslavery, threat of existence and even collective suicides!

7. *Steps for ensuring Rights of farmers and consumers*

- Austrian Government could have more elbowroom for actions to be taken in case of the boundaries of EU-guidelines for the release of GMO e.g. internal Austrian contracts could be formulated -15 a Internal Austrian State Treaty or an agreement with federal regions in Austria in order to fix a general handling of GMO (*"Gentech-laws are pseudo-laws" from Styrian environmental lawyer Alois Oswald in „Gefahr Gentechnik“ Manfred Grössler, p. 75*)
- A prohibition of any use of GMO for food and feed until the potential risks are proven to not exist for eco-social consequences using long term research
- Accurate research on known risks for health of humans and nature
- Long term research executed by independent scientists
- Prohibition of GMO in the area of food production and agriculture in Austria following the EU-right for protection of conventional agriculture before the release
- prohibit the import of GMO for feed for animals in Austria
- obligation to mark also feed for animals as GMO-products
- implementation of liability through agro-industries for all damages at reversed prove of evidence
- prove that member of commissions and decision groups are independent and including NGO's into commissions
- guarantee the transparency of decisions
- creating and supporting boundaries in agriculture through Austrian government including EU-level in order to enhance sustainable production forms in agriculture (e.g. biological agriculture, closed circle economy, mixed cultures, integrated agriculture etc.)
- ensuring and protecting the interests of farmers and consumers in direction of sustainable agriculture and food production against the interests of lobbies from gentech-industries

1984 the extensive protection of environment was raised in the rank of constitution. Since this time, "union, regions and communities are obliged to take care on the natural environment as basis of life: the duty contains to preserve air, water and soil". Thus, the implementation of GMO in food-production and agriculture also as the implication of the Gentech-Law (GTG) is in direct contradiction to Austrian constitution!

Summarizing it becomes clear, that the federal republic of Austria has not fulfilled its duties to follow national laws and constitution as well as the corresponding duties on the international level. For Austrian population this means an existential and irreversible threat of its food security. Life of many individuals is endangered caused by the inactivity of the government leading potentially to total loss. Further development of genetechnology surely will also be dependent from behaviour and decisions of EU. Nevertheless it was described on this place, that the Austrian government can find chances for wise activities in order to protect people by developing alternative paths: this is the duty of any government!

ProLeben is demanding from the government to protect its population against unemployment and an increase in poverty but also to ensure the access to healthy food in a sustainable way!

Further the government as part of EU could find possibilities to influence european decisions establishing partnerships in other european countries in order to represent peoples interest by fighting against “anti-life” developments.

A worst case is also possible at the end of all efforts, this leaving EU due to the fact that laws made by EU are in contradiction with peoples interests in Austria as such decisions are not in agreement with human rights while government has the duty to protect people against this.

ProLeben is therefore asking the committee to clearly express its concerns and to urgently act in such a way that the injuries of human rights for farmers and consumers in Austria are stopped as well as to ensure their observance by sustainable legislation based on the arguments given here.

Answer of the UN-committee:

No written, but an oral testimony: The Government of Austria is a leader in genetic engineering resistance in Europe. That's why you do not want to punish a country like Austria in any way but rather encourage it to go further.

Canada march 2006 with Percy Schmeisser

Parallel report to the 4th and 5th state report of Canada on the implementation of the International Pact on economic, social and cultural rights

Social Human Rights in Canada Violations of Human Rights in Agriculture and of Consumers

Presented by: Organic Agriculture Protection Fund (OAPF)
& Percy Schmeiser, Canadian farmer

Contact: OAPF Chair: Arnold Taylor,
President of Saskatchewan Organic Directorate
Box 130, Canwood, SK SOJ OKO, Canada
Phone: 001 / 306 – 468 2218 Fax: 001 / 306 – 648 - 2346

Percy Schmeiser,
Bruno, Saskatchewan, Box 400 SOK OSO, Canada
Tel.: 001 / 306 369 2520, Fax: 001 / 306 369 2304

March 14, 2006

The information given in this report focuses on the consequences of a highly perturbing global development which seriously violates the economic, social and cultural rights of farmers and consumers by the implementation of genetically modified organisms (GMOs) in the area of food production and agriculture.

Canada in particular is heavily affected by this development. It is the world's fourth-largest producer of genetically modified agricultural products. Because of the large-scale cultivation of GM rape and the proceeding contamination, genetically-manipulated plants are already growing on more than 50% of the agricultural acreage of Canada. The spread of GM rape has got out of control since 1999.

80 % of the consumers are, according to polls, against the use of genetic engineering in food and agriculture. In Switzerland, there has even been a national referendum – and the people have clearly rejected the introduction of genetic engineering.

This shows that most of farmers and consumers do not want to fool around with a risky technology with already proven consequences. And – there is no way back: Once contaminated – always contaminated and contaminating more and more.

So it comes to a struggle- a struggle between a few corporations and most of the farmers and consumers, against the people. It is about world-wide control over agricultural production and our nutrition, about world domination.

In Canada, the GMO corporations have already nearly succeeded. Consumers feel powerless and neglected by their government. But more and more farmers are filing complaints against the corporations. Because the power and lobbying of big agribusiness and the completely GMO-contamination of Canada results in a loss of quality of life and livelihood for farmers and consumers: Farmers became dependent on agro-business and their economic survival is in danger – with the implementation of GM-plants in Canada they lost their chance to choose, they lost any self-determination. Their land became contaminated – if they wanted or not – with all negative consequences – destroyed harvest, destroyed existence,

In some countries this fact is now leading to suicides of many thousands of farmers, because they see no way out of their debts, an is a result of this development.

Consumers are forced to buy GM products and loose the chance to freely choose their food, which is known to result in health problems – sometimes even fatal - as proven in many studies and first experiences worldwide. In Canada too, there has already been a dramatic rise in illnesses since the introduction of GMOs (www.oekosmos.de, 19.6.2004).

The rights of the people to self determination, the right to food, the right to health and to independent research about the risks of this new technology are already being massively infringed in Canada.

That's why we are urging the government of Canada

- to forbid GMOs in the area of food production and agriculture in Canada by law
- to realize the obligation to clearly mark GM products in food for humans and feed stuff for animals
- to introduce a legal liability for agribusiness to be responsible for all consequences of GMO for the health of mankind and nature and the danger of irreversibly contaminating the soil leading to the destruction of the basis of farmers' livelihoods, esp. organic farmers
- compensation for the economic losses of farmers who have been producing GMO-free until now. Their losses are estimated at over \$14 million in Saskatchewan alone.

We are requesting the committee on economic, social and cultural rights to present its concerns about the use of GMOs in Canada and to formulate recommendations to the Government of Canada on how to handle this problem of GMO, which is essential for life.

Arnold Taylor

Chair of OAPF Committee

President of Saskatchewan Organic Directorate

Percy Schmeiser

Canadian farmer

List of contents

1. Introduction
2. Violations of the rights of people to self-determination (Art. 1)
3. Violation of the Right to Work (Art. 6)
4. Violation of the Right to an appropriate living standard, protection against hunger – Right to Food (Art. 11)
5. Violation of the Right to Health of the Body and Soul (Art. 12)
6. Violations of the Right to Freedom in Sciences & Research (Art. 15)
7. Steps in order to ensure the rights of farmers and consumers

1. Introduction

Canada, with a surface area of about 10 million km², is the second-largest country on Earth, and has about 32 million inhabitants. The agriculture and food sector is the third-largest employment sector in Canada. The agricultural market contributes about 10 % to the financing of the Canadian budget. Each of the 280,000 farms feeds 120 people. More than 50 % of agricultural products are exported, especially cereals and oil seeds. Canada has a share of about 20 % of the international wheat trade. Canada is the fifth-largest producer of cereals in the world – 82 % of its wheat harvest is exported!

(www.lastminute-reisegeier.de/Reiseinfo/Kanada.cfm)

Canada is the world's fourth-largest producer of genetically modified agricultural products. Genetically manipulated plants are already being cultivated on more than 90 m ha world-wide, and Canada holds a share of 6.4 %; that is 5,8 m ha of the total Canadian agricultural acreage of 70m ha (www.isaaa.org).

Since the middle of the nineties, GM rape has been planted from many farmers. Since 1999 it has become clear that the spread of genetically modified rape has got out of control – because after only 5 years, genetically modified plants have grown on over 50% of the fields of Canada. Today, there is nearly no GM-free rape in Canada (SZ, 21.6.2004 “Canada’s farmers suffer from GE-cultivation”, *presstext Austria* “Canadian farmers take legal action against seed producers” 17. 8.2002). With his situation serious problems have affected all the farmers, the most problems got the farmers decided to plant GM-free. From this many farmers are on the verge of bankruptcy, as many of the countries of destination of their exports now don't buy rape from Canada any more. “We will never again be able to cultivate GM-free rape”, says Larry Hoffman, an affected organic farmer ([www. Saskorganic.com](http://www.Saskorganic.com) – “Out of control – we accuse!”).

The GM corporation Monsanto (with 91 % share of the world market “ruler” of the GM food-market – I. “Trojan seeds”, J. M. Smith p. 15) is now also trying to introduce genetically modified wheat onto the market, which has been prevented up to now by the resistance of many farmers and consumers. This would be the end for Canada’s GM-free producing farmers, whose emphasis is on the world-wide export of (GM-free) wheat.

In Canada, no additional safety tests are prescribed for the licensing of genetically modified food, and labelling does not exist either. Nearly all transgenic plants are admitted in USA, where security tests are based on information of the GM-industry. What means, that there are no safety tests about any risks published. Therefore farmers as well as bee-keepers and consumers have lost their option to choose, their right to self-determination, their right to health, their right to unhindered access to food without unhealthy substances.

Numerous independent studies and experiences worldwide – and also already in Canada - show the risks and consequences of GMOs for food, the irreversible consequences of using GMOs for the health of humans and nature in the case of the contamination of traditional plants, and the destruction of the natural basis of life for future generations and their food.

Who needs GMOs and whom do they serve?

The answer is clear for Alfred Haiger, a well-known Austrian scientist in the area of agriculture:

“GM is only of advantage to less than 10 agro-industrial companies and some industry-dependent scientists, for nobody else” as he writes in the introduction to the recent book „*Danger Genetic Engineering*“, p. 16. This agribusiness acts worldwide and is supported by the US government; they think in terms of profit ignoring health and welfare of humans. “Ruling food means ruling mankind” was a saying of Henry Kissinger’s. Thus, Governments no longer fulfil the needs of their people, but follow the path of profit of some big agribusiness corporations in their attempt to govern globalisation.

This tendency results in an increasing danger for human rights in the areas of food, health, freedom in sciences and research globally and also in Canada leading to the destruction of farmer’s livelihoods.

“Because of the threatening and substantial risks caused by the plants of the defendants (GM corporations), they should immediately be withdrawn from service.” (Dr. Mae Wan Ho, Director and Cofounder of the Institute of Science in Society, London, UK in www.saskorganic.com, Press release from December 20,2002).

We sincerely hope, that the committee for economic, social and cultural rights is able and willing to help out in order to support people’s rights, which are written down in the International Pact.

Now we wish to let a Canadian farmers’ organisation speak directly, giving a short summary of the situation in Canada:

Ten Reasons Why We Don’t Want GM Wheat

Wheat is one of humanity’s most important and culturally-significant sources of food. Monsanto plans to introduce genetically-modified (GM) wheat. Monsanto has inserted a GE so that the wheat crop can be sprayed with Monsanto’s weed spray Roundup: killing other plants but not the

wheat. There are many reasons that Canadians—consumers and farmers alike—don't want GM wheat, here are ten.

1. Market loss

The international customers that buy 82% of Canada's wheat crop say that they will stop buying if Canada introduces GM wheat. They are clear: they will stop buying *all* wheat from us: GM and non-GM alike. One customer, Warburtons (a large British bakery), received 6,000 customer inquiries in 2001 regarding food safety and GM wheat. GM wheat kills markets.

2. The end of organic agriculture

GM wheat threatens to destroy organic agriculture in much of Canada. GM canola has made it nearly impossible for organic farmers to grow that crop: seed supply contamination and pollen drift mean that organic farmers cannot be sure that their canola will be free of GM seeds. The introduction of GM wheat and subsequent GM crops will leave organic farmers fewer and fewer crops to grow. Organic crop production will become nearly impossible and Canadians will lose access to locally-grown, organic food. GM wheat yes = organic no!

3. Lower prices for farmers

GM wheat will dramatically decrease demand for Canadian wheat. Lower prices to farmers are easy to predict. On the other hand, producing GM-free Canadian wheat will give our farmers a marketing advantage if the U.S. and other nations introduce GM wheat. High-quality, GM-free Canadian wheat could be our competitive advantage, our premium product. Stopping GM wheat means higher prices for farmers.

4. Health concerns

Many Canadians, like citizens around the world, question the safety of GM foods. Further, Canadians have grave doubts about Canada's food safety regulatory system—a system based, not on independent testing in government labs, but on reviewing data from Monsanto and similar companies. Finally, farmers and consumers cannot trust the government to regulate because it is too busy promoting the GM food industry. Why take a risk on GM foods?

5. Environmental damage

GM wheat, once released, cannot be hauled back in. Once this life form is in the environment, it is there forever. Not only can we not recall GM wheat, we cannot contain or control it. GM canola is now cross-pollinating with non-GM canola and with related wild species. Monsanto's wheat genes will similarly "flow" through the environment. Again, Canadians know that there has not been sufficient, independent testing done on the long-term ecosystem effects of genetically-modifying the planet's food crops. This is a completely unnecessary threat to the environment.

6. Agronomic costs

Some farmers now grow GM Roundup Ready canola. Spray that canola with Roundup, and the weeds die and the canola is unscathed. But introduce GM Roundup Ready wheat and the

equation changes. Farmers will need additional chemicals to control volunteer Roundup Ready wheat in their RR canola and to control volunteer RR canola in their RR wheat. One agronomist estimated the additional weed control costs at up to \$400 million annually

7. Segregation won't work

Monsanto says that segregation systems are the solution to market rejection: keep GM and non-GM wheat separate from field to customer. But segregation systems will fail because GM varieties will soon contaminate our wheat seed supply. Tests on canola show that most 'non-GM' certified seed contains GM varieties. The same will happen to wheat. With contaminated seed, it's impossible to run a segregation system. Further, our bulk, high-throughput grain handling system is ill-designed to segregate: with thousands of points where grain could be misrepresented, mixed, or mis-labelled. Just one or two mistakes, just one or two customers demanding non-GM wheat and getting GM, could cost Canada its reputation for grain quality and cost farmers hundreds-of-millions of dollars annually. And even without mistakes, many customers say that if Canada introduces GM varieties, they will stop buying Canadian wheat altogether, regardless of whether we try to segregate. Ironically, the way that segregation will work in practice is that international wheat *customers* will segregate the world's wheat exporters into those who plant GM varieties and those who don't and buy from those who don't. Finally, successful or not, segregation systems will cost farmers millions. Segregation is costly and will fail.

8. Labelling

Most Canadians want GM food ingredients labelled. But governments, processors and retailers, and corporations such as Monsanto oppose labelling. They oppose your right to know if you are eating GM food. These companies claim that the fate of GM foods should be left to "the market", and then simultaneously deny us the information with which we could make an informed decision at the grocery store. It is totally illegitimate, until we have mandatory labelling and an informed public, to introduce new GM foods. What are they afraid of?

9. Corporate control

Transnationals such as Monsanto, Cargill, and ConAgra are increasing their control over our food supply. Worse, Monsanto and others are taking control, not only of our seeds, but of the genes—the building blocks of life. And they use patents and courts to enforce that control. The tremendous market power that agri-biz transnationals already have, and their attendant ability to suck the profits out of farmers' pockets, is the real cause of the farm income crisis. GM wheat offers no net benefits to farmers or consumers but it dramatically increases corporate control of the global food system. Should Monsanto control our seeds and our food?

10. We don't need it

Farmers are told, rightly or wrongly, that there is too much grain in the world: we don't need GM wheat in order to grow more. Consumers will see no benefit from GM wheat: with or without it, bread prices will still go up. GM wheat brings no benefits. GM wheat is not a solution: it creates problems rather than solving them. Let's say no to this turkey.

One reason why you would want GM wheat

If you're a Monsanto shareholder

Independent economists report that the financial benefits from GM wheat will go to Monsanto: farmers' costs will rise and consumers will not see lower bread prices. Monsanto lost \$2.5 billion [Cdn.\$] in 2002, mostly because of lower Roundup sales. Monsanto needs to return to profitability. Thus, it is pushing its GM Roundup Ready wheat. With GM wheat, the profits go to Monsanto and the risks and costs go to consumers and farmers.

Glossary:

Genetically-modified (GM): Canada's Royal Society defined "genetic modification" as the direct transfer or modification of genetic material using recombinant DNA techniques. "Genetic modification" is the human insertion or manipulation of genes or genetic material, distinct from traditional plant-breeding techniques.

Roundup Ready (RR) wheat: GM wheat wherein Monsanto has inserted a GE that allows the plant to tolerate applications of Roundup (Monsanto's trade name for the broad-spectrum herbicide glyphosate).

This information is brought to you by the National Farmers Union

National Office

2717 Wentz Ave.

Saskatoon, Sask., S7K 4B6

Tel (306) 652-9465

Fax (306) 664-6226

Over the past decade, the NFU worked alongside rural and urban allies across Canada and stopped Monsanto from introducing its genetically-modified dairy cow hormone designed to increase milk production, rBGH.

Together, we won on milk, and we can win on wheat.

Farmers, please join with us to protect Canadian family farms and to create better food and agricultural policies for Canada. To join, please send a cheque for \$150 to the address above.

Non-farmers, please support our ongoing work to ensure that all Canadians have access to safe, nutritious food. Please become an Associate Member by sending a cheque for \$50 to the address above.

(02/03)

1. Violation of people's right to self-determination acc. to Art. 1

Section 1: "All People have the right to self-determination"

Violation of the Right of the People in Canada

The people's right to self-determination is no longer ensured due to the introduction of GMOs in Canada:

- **A case of contamination: GM-Rape everywhere!**

„What in Europe is still a nightmare of the future, is already reality in Canada: The use of genetically manipulated seeds leads to a complete contamination of the soil.“ (*„Saskatchewan dies“*, TV documentary by Ute Daniels, Phoenix, Sa. 5.03.05). Since the large-scale cultivation of genetically manipulated rape, no GM-free rape seed can be grown any more in Canada. Rape cross-pollinates over extremely large distances. Investigations have found pollen even at a distance of 26 km. 33 probes of certificated GMO-free seeds have been analysed, whereby 32 were contaminated. (*„The case for a GM-free sustainable world“*, ISP, paper saving version, www.indsp.org, June 15, 2003, p. 3)

“The main source of GMO-contamination is the transfer of transgenic pollen through wind. Thus, it can be generally concluded that contamination through GMOs cannot be avoided: coexistence is unreal” (*„The case for a GM-free sustainable world“*, ISP, June 15, 2003, p. 3). Direct seed movement and volunteer canola plants are also important vectors for GM transgene flow throughout the environment.

In view of five million ha of GM-rape, the production of GM-free honey has also become impossible. (*„Contamination – GM-plants out of control“* – flyer from the Environment Institute Munich). The Canadian government, however, insists on the possibility of a co-existence of conventional and genetically modified useful plants. It claims that the cultivation of GM-plants is safe if the distance to conventionally planted fields is 50 or even 10 meters. „That's a joke. Farmers know that you cannot prevent pollen or seeds from spreading.“ (*Percy Schmeiser, farmer from Saskatchewan / Canada, in: The Ecologist; May 2004*) All safety distances are indeed ridiculous.

In May 2004, Monsanto reacted because of the united resistance of many consumers, farmers and food producers, and has provisionally delayed the large-scale cultivation of GM-manipulated wheat in Canada for an indefinite time.

On the other hand, the field trials with GM-wheat went on – against a self-commitment from Monsanto not to do so. The Canadian food supervision authorities then wrote to Greenpeace stating that 16 field trials with Monsanto-wheat had already been conducted in 2004. Recent studies show that wheat pollen can be carried by the wind for several hundred meters. The Canadian food authority, nevertheless, prescribes for field trials a safety distance to the next wheat field of only 30 meters ... Greenpeace comments: „This incident again shows what one should think of self-commitments by the industry when their profits are at stake. Monsanto

has again proven its disdain for the interests of the environment, farmers, and the deceived public“. (*Radio Green Wave 2.9.04* „*Field trials with GM-wheat – Monsanto keeps at it*“. 20.8.2004).

„A contamination of GM-free cereals by genetically manipulated wheat could mean the end of organic agriculture ...“ Many Canadian farmers have realized a judicial confrontation is now becoming necessary, and have issued a law suit of their association against the GMO corporations Monsanto and Aventis. „After politics has abandoned us, we regard the law suit as the only possibility to hold the GM-multinationals liable“, says Marc Loiselle, a farmer (*„Canadian farmers take seed producer to court“ presstext.austria Wien, 13.08.2002*). In this way, the introduction of GM-wheat in Canada shall subsequently be prevented (*www.saskorganic.com*).

„The idea of a so-called „coexistence“ between manipulated und non-manipulated plants is impracticable. Even in countries without the cultivation of GM plants, the contaminations accumulate. GM technology has already got out of control. This process is intended by the GM technology corporations: „ The industry hopes that the market will become so flooded that you cannot do anything against it any more. One just capitulates.“ (*Don Westfall, counsellor of many GM technology corporations in „Contamination – GM plants out of control“ flyer of the Environment Institute München e. V.*)

Excerpt of an interview with Percy Schmeiser (*in: The Ecologist, May 2004*) about the meaningfulness of the field trials:

„ Which goal did they have?“

P.S.: For the biotechnology companies „ this is a good opportunity to get a toe in the door, and then of course the whole foot!“

„Is the real task then to contaminate the neighbouring fields?“

P.S.:“ That is the goal! There is no other reason for these trials.“

„Do the biotech-firms really believe that they can collect license fees forever if they contaminate all the fields of the world with their GM-seed?“

P.S.: No, but their objective is their contamination, and recently, Dale Adolphe, the chairman of the Canadian Seed Growers Association, which sells seeds from Monsanto, said: „ There is so much resistance worldwide against any further field trials of GM-technologically modified plants, that contamination is the only possibility to proceed with it.“ Saying something like that is really outrageous. He admitted: „We are doing it in a way that gives people no other option.“

Another example about this practice of the biotech industry:

2005 soya plants have been tested throughout Romania: it was found that 90 % of the plants were genetically manipulated without the authorities being informed and without the knowledge of most of the farmers. Based on the lack of control the biotech industry has created an irreversible situation. Once contaminated – always contaminated!

Due to these practices of the GM industry, farmers and beekeepers have lost their right to self-determination.

- **The loss of consumers' option to choose:**

80 % of consumers are, according to polls, against the use of GM technology in food and agriculture. In Switzerland, a referendum on the introduction of GM technology has even been conducted – the people clearly rejected the introduction of GM technology.

In Canada, no additional safety tests are demanded for the licensing of genetically modified food, and there is no labelling either. In this way, the consumers have also lost their option to choose, their right to self-determination.

Percy Schmeiser, farmer from Canada:

“We have the right to know what we are eating. If the people in Canada really knew what they were eating, they would not touch most of the GM food anymore! “ (*„Danger Genetic Engineering“ ed. M. Grössler, p. 197*)

A contamination of GM-free grain species by genetically manipulated wheat (e. g. by field trials) would, in addition to that, mean the loss of any source of GM-free food. (www.saskorganic.com „Food is life – funds for the protection of organic agriculture“).

Conclusion: The only way to ensure the right of self-determination of Canadian people is to fully ban the use of GMOs in food-production and agriculture in Canada.

Section 2: „All people can freely dispose of their natural wealth- in no case may the basis for people’s livelihoods be taken away from them.“

The livelihood of farming is being taken away by „**terminator technology**“ and by the **patenting of plants** together with the **danger of “partial expropriation by force”** from farmers:

- „The development of **terminator technology** is especially scandalous.

In more than 87 countries sterile seed has been registered for patenting, this means seeds which can be used just once. Next year new seeds must be bought again from agribusiness.

This is big business for industry, as they expect a jump in sales and growth. What is being neglected is that small scale farmers are unable to buy new seeds every year. Thus they become dependent and at the same time they are forced to take on debts without having a guarantee of getting a good yield. This development endangers the livelihoods of millions of – at least small scale – farmers” (*“Patented) expropriation “, Marlies Olberz, Food First, p. 13*)

- But farmers are also **becoming dependent** on GM-industries **via patents**:

Big agribusiness is going to apply for patents of more and more plants, e.g. rice. This means that if farmers cultivate rice in the future, they must buy the seeds from Monsanto year for year (terminator seeds) and must pay royalties for licensing. Farmers in India created 200 sorts of original seeds in order to be independent. However, this would become illegal after patenting, leading to severe punishments.

Percy Schmeiser, Canadian farmer, on the situation in Canada :

“For the privilege of growing GMO plants, you have to pay a \$15 / acre (one acre = ca. 0.4047 ha) annual license fee to Monsanto. These are also the fears of many domestic farmers: To have to give up any self-determination regarding seeds, and to be at the mercy of a multinational corporation which sets the rules according to its own opinion.“ (P. Schmeiser in „*Danger Genetic Engineering*“ v. M. Grössler)

“Using patent rights, agribusiness is taking over the rights of self-determination regarding plants, ignoring the rights of indigenous peoples, as they are not allowed any longer to use their own seeds from their ancestors. This is clearly a case of theft.“ („*Patented expropriation*“, Marlies Olberz, *Food First*, S. 13). Free access to seed is essential for 1.3 billion farmers for their survival. Patents clearly represent by definition an exclusive right for use by the patent holder. The rights of all others, contributing to further development - esp. in the case of animals, plants and general organisms with productive properties being used as a basis of life and food - are totally ignored and neglected and - even worse – their practise illegalised.

Governments have neglected the rights of farmers in the case of seeds and access to genetic resources as well as the right of consumers to appropriate food. This violation is extremely serious as the interests of economic players are favoured and the position of monopolists with regard to food plants and corresponding products are enhanced. It can be expected that situations will occur where violations of the right to food for future generations arise.

Vandana Shiva, the alternative Nobel prize winner from India, known for her engagement against GMOs and for the independence of the Indian population, expresses her opinion clearly: “ This is a case of the enslaving of farmers” (*Biopiraterie mit Reis-Saatgut*“, www.dradio.de, 8.7.04,)

- **Partial expropriation of farmers as a case of violation of basic rights:**

The implementation of GMOs will lead to a partial expropriation of GMO-free farming farmers without them being offered any substitute. They have no possibility to protect their land from contamination through their neighbours – and as a consequence their contaminated crops will not be able to be sold anymore. Again, their livelihoods are being illegally taken away, constituting a violation of human rights as a consequence of the introduction of GMOs.

The case of the Canadian farmer Percy Schmeiser is a very well-known example for precisely this situation of farmers in Canada – showing the violations of this right of Canadian farmers very well: The company Monsanto has sued him for the infraction of the patent rights of the firm. (aus *The Ecologist* May 2004 und “*The case of Percy Schmeiser against Monsanto*” in “*Danger Genetic Engineering*“, M. Grössler):

For forty years, Percy Schmeiser has grown rape on his farm in the Canadian province Saskatchewan. Normally, he has held back each year a part of the oleiferous seeds of his harvest and sown them again next year. In 1998, Monsanto took Schmeiser to court – because of an infraction of their patent rights. The reason: On Schmeiser's land, the surveyors of the firm had found corporate-owned genetically modified seeds, which had been driven there by the wind.

*„Without having been able to prevent the contamination, farmers are suddenly required to pay license fees for GM-plants which they never wanted on their fields.“ (P. Schmeiser in: „*Danger Genetic Engineering*“ v. M. Grössler, p.. 200).*

The judge explained to Schmeiser that his entire seeds, whose development had taken him nearly half a century, would now be the property of Monsanto.

„I had planted rape on eight fields then, and sent the seeds of each of these fields to the University of Manitoba in order to find out how much of the conventional seeds was contaminated. The scientists of the university found that half my fields were not contaminated. But because I myself had developed seeds, and because I sow my own seeds each year, there was the possibility that a part of Monsanto's seeds was on the fields which were still not contaminated.

So I even had to cede the profit from these fields to Monsanto. Even worse was that I was not allowed to use my own seeds. I had to give them all to Monsanto. The judge told me that, in Canada, patent rights have priority over the rights of the farmers, which was established in a federal law passed in 1991. “You are not the owner of your own grain any more ... How can a farmer lose his harvest, seeds, or plants overnight?” „A lien was put on our entire land and our house.“ („Danger Genetic Engineering“ S. 199)

Monsanto is above the law. *In addition to that, the position of this firm is strengthened by the contracts which it signs with the buyers of its seeds. „The judge. ..came to the conclusion ...that, even though the farmers in Canada own, according to federal laws, have the right to use their own seeds from year to year, the patent of Monsanto, nevertheless, has priority over the rights of the farmers!“ (P. Schmeisser in: „Danger Genetic Engineering“ v. M. Grössler, S. 198)*

Monsanto wants total control over the seeds market, *because they are conscious of the fact that the patent for Round-Up ended three or four years ago, and that the sale of this herbicide has guaranteed 25 % of its world-wide sales and 50% of its profits. The only possibility to secure future sales is to control the world-wide supply of seeds. Within the last five years, Monsanto has bought seed firms from all over the world for more than \$ 12 billion. The corporation now is the world's second-largest seed supplier.*

Monsanto is already too powerful and can get everything it wants

The rights to intellectual property (the new patent laws) now have priority over the protection of private property, the interests of the biotechnology corporations have priority over environmental interests, and profits have priority over food production, food quality, and public health.

„In Canada, you really can just because of „a probability“ lose your rights overnight, and this is also the reason why this case has become so well-known worldwide. We should never forget: They are trying to get worldwide control over all seeds, and whoever controls that will control food worldwide! ... For an average citizen, there is no justice, because it is very difficult to file an action against a billion-dollar corporation !“ (P. Schmeiser in: „Danger Genetic Engineering“ v. M. Grössler, S. 198, 199)

Section 3: „The States of the pact ... have ... to support the realisation of the right to self-determination and to respect this right.“

We call upon the Canadian government to protect the right to self-determination and to property by a bill, and to protect farmers with an appropriate number of policemen against the encroachments of the biotech industry. This, of course, also brings a change of the patent laws in favour of the farmers and of the protection of their own seeds. Existing laws, which guarantee the self-determination of the farmers, like the right to breed one's own seeds must also be enforced

against the GM corporations. We request the committee to call upon the Canadian government to protect these rights.

2. Violations of the Right to Work (Article 6)

Section 2: „The steps to be carried out by any State of the pact in order to realize the right includes... steps... to attain productive full employment while protecting the basic political & economic freedom of individuals”

The introduction of GMOs in food production and agriculture is in direct conflict with the basic freedom of people, as they are endangered through patents which increase their dependency on major agro-industrial companies with respect to seeds and the contamination from neighbours including all consequences (see last chapter).

Canadian Farmers, which wanted producing further GM-free, are right now being forced to give up their business or enter into direct dependency on big agribusiness.

In order to secure the freedom, land, property and rights of farmers, we demand that the Canadian government change its laws protecting the farmers from the interests of biotech industries like Monsanto and their methods to take control of the farmers, the seeds and the land. This is the only possibility to secure the working conditions and political and economic basic freedoms of individuals.

3. Violations of the rights to appropriate living standards, the right to protection against hunger & the right to food (Article 11)

Section 1: „The states of the pact agree with the Right ... on ... a continuing progress in living conditions ... and are willing to act accordingly, in order to realize these Rights“

Section 2: „... Right of all people to be protected against hunger“

This right is no longer ensured for most farmers and consumers in Canada.

How many people are concerned in Canada?

In Canada about 4 % of the 30m inhabitants work in agriculture – an important sector of the Canadian economy. Every fourth Canadian either works in the production, processing and sale of foods or in a company which supports the production of foods. Three quarters of Canadian agricultural land is in the prairie provinces of Manitoba, Saskatchewan and Alberta – however, the southern half of Saskatchewan alone comprises around 50% of the total productive agricultural area of Canada. The farms there cover 400 ha on average and mainly grow cereals. The second most important agricultural area in Canada is in the south-east of Ontario. The farms there are smaller and generally cover between 40 and 180 ha.

The number of working farms has continuously fallen since 1941. In 1941 there were still 732,000 farms; in 1991 there were only 280,000. 867.000 Canadian lived on farms in that year. At the

same time, the number of large farms (income of more than 50,000 dollars) has increased: from 111,000 in 1986 to 118.000 in 1993. Half of all agricultural products are exported. (www.dfait-maeci.gc.ca/canada-europa/germany/aboutcanada04e-de.asp)

The **greatest danger to securing these right is contamination** and, thus, destruction of livelihoods:

In Canada, 33 samples of certified GM-free seeds have been analysed, whereby 32 were contaminated. (*ISP-report, paper saving version, p. 3*).

“We as Canadians can’t sell a single bushel of canola to the EU anymore. That has lost us a third of our market. Now they want to introduce genetically modified wheat too, even though the Canadian Wheat Board (note: the largest Canadian marketer of wheat) confirms that we would thus lose 80 percent of our market.” (*P. Schmeiser in: “Danger Genetic Engineering” ed. M. Grössler, p. 196*). In this case, buyers in Japan and South Korea would also cancel their contracts with Canada immediately. The GM canola industry was largely shut out of the European market, but other countries were still importing it – and also this continues to change.

Monsanto has been trying to bring genetically modified wheat onto the market for years. After their previous experiences, most of farmers are afraid that the introduction of genetically modified wheat “could drastically reduce their billion-dollar exports to Europe, Japan and other countries, because many countries do not want to buy genetically modified wheat. It has become difficult to separate genetically modified wheat from normal wheat during exporting.” (www.wissenschaft-online.de/abo/ticker//20027 “Monsanto postpone GE wheat to many years” (in German))

Canadian GM free farmers are now demanding damages from Monsanto because they can no longer sell their oil seed rape because of the genetic contamination. “The losses for us farmers run into millions of dollars.... it's not just that we can't sell our canola harvest. We'll never be able ... to grow canola again in the future. We have thus lost an economically valuable plant in crop rotation and we can expect the losses to threaten our very existence, at the latest when genetically modified wheat is introduced genetic manipulation has nothing to do with the improvement of the quality of life in rural areas, ensuring global food supplies or improving the protection of the environment. It's about controlling agricultural production and our foods.” (“*Out of control*” www.saskorganic.com)

“The economic losses due to the introduction of genetically-modified oil seed rape are estimated at over \$ 14m. ... If genetically modified wheat is licensed, economic losses of around \$ 85m could be expected in the same period (10 years), with regard to the loss of the EU as a market.Wheat is such an important organic product that the introduction of genetically modified wheat even creates fears that it would mean the end of organic farming in Saskatchewan.

One of the principal plaintiffs against Monsanto is Dale Beaudoin. He stop cultivating summer rape seed after genetic contamination was found in his harvest in 1999. The rape seed was destined for the European market. Due to this contamination, the sale was cancelled. “My main product is wheat. If genetically modified wheat were to spread in the environment in the same way as genetically modified rape seed, this would certainly result in economic ruin for me as an organic farmer”. (*Press release December 20, 2002, Saskatchewan: Organic farmers apply for permission for a joint action..*).

Dale Beaudoin about the importance of their claim against Monsanto:

“This is no minor issue. It is a matter of independence and survival for all farmers world-wide.”
(Media Release, August 30.2005 Canada: “Organic farmers granted ...”, www.saskorganic.com)

No insurance company worldwide is willing to take on the risks. \$1 billion were thought to be appropriate for compensating the damage to soil and recovery including the collection of contaminated GMO-products in a judgement in the USA. („Quadratur des Kreises: das neue Gentechnikgesetz“, *Environment News of the Munich Environment Institute* e. V. Ausgabe 99, April 2004, p. 5)

Furthermore, contaminated farmers in Canada – not only having just suffered major damages - are also receiving a claim from Monsanto with the background that they use patented GMO-seeds and have to pay with their whole crop, possibly losing their houses in paying the claim etc. In 1998, Monsanto did this for the first time in case of the Canadian farmer Percy Schmeiser, who was sued for the total sale value of his organic plants which were contaminated by a neighbour. The one to suffer is in any case the contaminated farmer losing his livelihood.

Another reason endangering these rights is the threat of dependency of farmers on big agribusiness, which is acting quite unreasonably using false promises:

“Monsanto told the farmers at that time that there would be larger harvests, that everything would be more nutritious and that we would need fewer chemicals!” (P. Schmeiser, Canadian farmer, in “*Danger Genetic Engineering*“ ed. M. Grössler, p. 194)

A contract with agribusiness is needed where seeds as well as pesticides must be bought from the same agribusiness every year in future.” Such contracts are one of the most devilish pacts in the world, a theft of farmers’ rights” says Percy Schmeiser (“*The case of Percy Schmeiser against Monsanto*” from Percy Schmeiser in “*Danger Genetic Engineering*“ p. 191). The content of such contracts is e.g. that the farmer is not allowed to reuse his own seeds, he must buy them from the industry together with the pesticides – and finally the duty to keep silent. Growing GMOs also includes paying royalties in the coming years.

Genetically modified maize produces a lower yield:

“Over a period of three years, Canadian scientists compared the yield of BT maize, into which *bacillus thuringiensis* has been introduced by genetic engineering to protect the plant from insect damage, with that of conventionally grown types. The natural maize yielded up to 12 % more. As it is also cheaper, the researchers thus recommended the cultivation of traditional maize, if only for purely economic reasons. (F. Brandt, www.umwelbund.de, 28.12.2005)

Percy Schmeiser about the situation in Canada:

“So we could see that everything they had told us about the use of less chemicals was wrong and invented. The yield of canola (rape seed) has already fallen by 6.4%. In the meantime, US Department of Agriculture has also had to admit that the yield of soy beans has sunk by at least 15 percent. The genetic engineering companies continue to withhold the fact that the quality is around half as good as that of conventional canola. We thus have less yield, more use of chemicals, a new super weed and significantly lower quality.”

“*Danger Genetic Engineering*“ ed. M. Grössler, p. 196)

Gary Smith, agronomist from Canada:

“Canada is currently the fifth-largest producer of organic cereals in the world. We estimate an increase of the turnover of organic products from \$0.7bn in 1997 to \$3.1bn in 2005, which corresponds to an annual growth rate of 20 %.”

(Press release December 20, 2002, www.saskorganic.com, Saskatchewan)

This proves that the future of agriculture is clearly to be found in organic farming and not in the cultivation of genetically engineered plants. The Canadian Government should therefore stop the introduction of GM wheat in order to ensure the livelihoods of its farmers and to prevent a further spread of the cultivation of GMOs.

The follow up of these crop failures was, that in India 25,000 (!) farmers “escaped” this situation by suicide as they saw no way out due to high debts. In Argentina, 10 years after the start-up of GMO-growth, 160,000 farmers have lost their jobs and have nearly nothing to eat. (www.proleben.at/unsl.htm).

A long-term study in Andhra Pradesh/ India showed that GMO-farmers grew less than 60% in the last three years compared to conventional seed farmers. More than 10,000 small scale farmers have nothing left to live on. (www.heise.de / Artikel „Asiatischer Dämpfer für grüne Gentechnologen“ von Gerhard Klas from July 10, 2005).

The living standards – of farmers - as well as consumers – will decrease with the introduction of GMOs in food production and agriculture. “The higher costs of GMO plants including the increased amount of pesticides / herbicides needed, the decrease in yield, the cost of seeds and the reduced market result in a drastic decrease of income for farmers.

The first economic analysis of the situation of farmers using bt-corn in USA makes it evident, that the net loss between 1996 and 2001 was \$ 92 million, or \$1.3 per hectare.” (*ISP-report, 15.06.2003, p. 6 – paper saving version*)

For consumers:

Due to GMOs, all food is easily contaminated. Consumers have then only the chance to become ill (see point 5) or to refuse to buy food.

Also in the **guidelines** – based on free will - **of FAO** from November 2004 is written down for the support of a step-by-step realization of the right to appropriate food under the boundaries of national security for food:

“The states of the pact should respect the access to appropriate food by avoiding any activity which might prohibit access to it, and should protect the right of all people to food, which could be endangered by enterprises and individuals which have the intention of prohibiting this access” (*preamble, point 17*). This means that no state should allow GMOs for food production and agriculture as thereby access is prohibited by patenting and royalties, dependency through monopolisation of seeds and the contamination of neighbours, so that harvests are destroyed and enough food is not available anymore.

The state has the duty “to create an environment in which individuals as well as their families are able to take care of their food” (*part II, guideline 1, 1.1*). In order to guarantee this environment any dependency on agribusiness is to be avoided, as the danger exists that pesticides as well as

seeds must be consumed. All experiences mentioned before result in the clear statement, that “no sustainable continuation of food supplies” is given with GMO-products (*part II, guideline 2, 2.4*).

In the **General Comment no 12** in respect of the right to food, this obligation to security is clearly formulated (*point 15*): “the right to appropriate food ...creates for the states of the pact ... duties in the form of the obligation towards respect, protection and fulfilment. The obligation towards respect ...means that all steps are to be avoided which might lead to prohibition of access. The obligation of protection means that states ensure that this access is not inhibited by enterprises or individuals. The duty of fulfilment means that states must enhance the access and use of resources and methods ensuring life supply esp. security for food”:

a) “in order to increase the methods for the production, durability and distribution of food with the full aid of technical and scientific knowledge ... as well as by the development or reform of agricultural systems... with the aim of maximum production and use of natural sources”

b) „in order to ensure a corresponding fair distribution of food in the world considering the problems of the exporting and importing countries”.

“There is an accumulation of indications from research that GMOs can result in environmental problems. A lack of data has to be reported concerning the consequences for biodiversity and fertility of soil. It should be clear that biodiversity must not be affected through GMOs” (*Federal Environmental Office, Präsident Prof. Dr. Andreas Troge, www.bmu.de/ pressearchv: „BMU legt Vorschläge für Monitoring-Konzept vor“, Berlin, june 13, 2002*).

“A lie in the propaganda of the GMO-industry was unmasked: it is not true that GMOs need less pesticides but the truth is that GMOs need more pesticides year by year”. (*“More pesticides are sprayed over GMO”, scientific study by Benbrook in Ökologo 1/2004, p.2*). An increase of 50-60 % is found (*“Uneconomical in the long run” by Klaus Faissner in “Danger Genetic Engineering”, p.234*).

Percy Schmeiser about the situation in Canada:

“...From 1999, significantly more pesticides had to be used on GMO fields on average than on genetic engineering-free fields due to the increasing resistance of weeds.” (*“Danger Genetic Engineering” ed. M. Grössler, p. 196*)

Only in the case of GM corn, two highly effective toxins and one antibiotic enter the soil and food: one insecticide (the toxin of bacillus thuringiensis contains the bt-toxin), one plant toxin (Glyphosate Roundup) and the antibiotic-resistant GM Ampicillin resulting in resistance against antibiotics used in human health care!

All weeds are wiped out. “Those (weeds) exhibiting a better tendency towards survival, however, are going to adept themselves .. and grow better than before, thus producing herbicide resistant “super-weeds” leading to increased doses. Thus, the increased doses of the pesticides and herbicides result in contamination of the ground water. Experts criticising GMO warned early on that such monocultures would create ecological catastrophes. Another reason for the increased use of pesticides is the appearance of new forms of pests for plants. The scepticism of Europeans was and is justified: expensive GMOs are not improving the economic and ecological

situation of agriculture at all" („Über Gentech-Pflanzen wird mehr Gift versprüht“, *wissenschaftliche Studie von Benbrook, Ökologo 1 / 2004*).

However, the use of toxins and antibiotics in the case of food contradicts human rights.

As an illustration, the case of the pastureland of the farmer Gottfried Glöckner in Germany, who was the first to use GM corn, should be mentioned here: 3 years after stopping the feeding of his cows with this corn, the soil was contaminated through the bt-toxin in such a way that cows became ill after only one day of grazing.

“10 years after the introduction of GMOs in agriculture it can be stated: none of the promises of agribusiness have come true: neither higher yields nor better ecology. On the contrary, the ecological consequences are a severe catastrophe. Treasures of nature have become a victim of maximization of profit. Through the excessive use of total herbicides, the soils are damaged so much that they are going to lose their fertility soon resulting in a drastic decrease of harvests.” („Gen-Pflanzen erfüllen Erwartungen nicht“ *Andreas Bauer, Umweltnachrichten 100 / 2004 p. 25*). In the meantime “a study based on long term analyses established the extensive negative effects of GMOs on flora and fauna” („Gen-Pflanzen erfüllen Erwartungen nicht“, *Andreas Bauer, Umweltnachrichten 100 / 2004, p. 23*). Fertility of soils goes down and ground water is contaminated. The access to nature is endangered.

The end result is that through GMOs “the maintenance and sustainable use of natural resources” (*part II, guideline 2, 2.5*) - which is claimed by FAO guidelines – is no longer secured in Canada.

We are asking the government of Canada to follow a policy which allows farmers

“to gain a fair income from their work, capital and faculties” (*part II, guideline 2, 2.5*), inde-

pendent of agroindustries as they intend to enslave them in full dependency. The government should support the access to “suitable and reasonable technology, means of production and financing and stable employment” (*part II, guideline 2, 2.6*) and “to protect the capital which is important for the livelihood of people, especially groups like stockbreeders ...and their relations to natural resources” (*part II, guideline 8, 8.1*).

All these conditions are endangered through the use of GMOs.. It is too expensive and doesn't improve the income and production situations of farmers. Furthermore, all states should inhibit the “decrease of plant genetic resources” and „ensure the protection of the corresponding traditional knowledge and the fair participation in the profit from the use of these resources” (*guideline 8 D, 8.12*), as well as “to consider steps to protect ecologic sustainability and carrying capacity of ecosystems, in order to ensure the production of sustainable food also for future generations, to prohibit water pollution and to protect fertility of soil” (*guideline 8E, 8.13*) and to support farmers “in the application of reliable agricultural techniques” (*guideline 9, 9.5*)

Recently a new study was published in Great Britain (*Proceedings of the Royal Society B*), executed by the Institute for Grassland and Environmental research in Aberystwyth, showing the dangerous consequences of GMOs on natural ecosystems: 11 million US \$ were spent, 150 researchers operated in order to look after 1 million of plants and 2 millions of insects in different parts of Great Britain. The results showed that GMOs drastically decrease the number of butterflies and bees resulting in severe influences on the birds living from insects. It is clear from this scientific study containing scientific and rational arguments that nature and agriculture are directly linked (*Magazine Nature from March 22, 2005, <www. Innovations-report.de/html/berichte/umwelt_naturschutz/bericht-42079.html*)

„Genetic engineering fighting against the hunger in the world”

“It is grotesque to identify agro-industries which apply GMOs with all mentioned problems as being able “to solve the problem of hunger”, when they are creating hunger, destroying soils, polluting ecosystems and monopolizing power.” („GM-plants don’t fulfil expectations“, Andreas Bauer, *Umweltnachrichten* 100 / 2004, p. 24)

The world’s population could be fed quite well without hunger if the distribution of food was carried out together with efforts to maintain or enhance fertility of soils and to maintain biodiversity.

Thus, GMOs in food production and agriculture are not contributing towards solve the problem of hunger, they are intensifying it.

Developing countries have found out, that „GMOs are destroying biodiversity that has been developed during the last thousands of years. Therefore GMOs also destroy the ability of the ... people to feed themselves.” Development policy organisations like “Christian Aid” or “Brot für die Welt“ consider GMOs, the so called “green gentechology” as contra productive, increasing hunger and poverty.

In short: in order to ensure food security in the world, we must improve the eco-social conditions based on common eco-social standards in connection with the “eco-social market economy”. Any short term increase of yields using purely technical means at the expense of the environment and humans is seen as the wrong way. Economy is based on nature, an destroyed ecosystem will not feed future generations. Sustainably ensuring the food supply therefore needs an agriculture, which maintains nature in its carrying capacity: fertile soil, clean water and air and a great regional biodiversity.” (www.greenpeace.de/themen/gentechnik/ „GMO – no hope for the hungry“ from October 1st, 2004).

In order to improve methods of productions, distribution of food and better use of natural resources we are demanding that the Canadian government forbid the use of GMOs and becomes active at an international level to disseminate the fact that GMOs in food production and agriculture are not solving the problem of hunger, as only a fair distribution of food together with efforts to enhance fertility of soil and biodiversity will contribute towards solving this global problem.

4. Violation of the Right to Health of Body and Soul (Art. 12)

Section 1: „The states of the pact accept the right of all people to maximize the health of body and soul“

“In Canada and the USA, the percentage of people who suffer from allergies has risen dramatically in the last ten years. In Canada, the rate of allergy cases has increased from previously 2 per 10,000 inhabitants to 80 per 10,000 inhabitants now” (www.oekosmos.de/article/articleview/497/1/6/).

The **FAO-guidelines cite the Declaration of Rome on World Security of Food from 1996**, where “heads of states and governments confirm the right of each human to have access to healthy food” (*preamble, part I point 2*).

Under *point 15* one reads: "security of the food supply exists when all people at any time have physical and economic access to appropriate, healthy and safe food".

Point 16 means "the step-by-step realization of the right to appropriate food, which requires that states fulfil their duties towards human rights acc. to the Right of People". In addition to this the availability of food "without unhealthy materials" has to be guaranteed including the duty (*point 17*) to protect this right "against industries and individuals intending to hinder this access."

In the **General Comment no 12**, under point 10, one can read that states have to ensure that changes in conditions, availability and access do not affect the composition of food.

At the **100th Conference of German Doctors** it was mentioned that risks for human health in the application of GMOs cannot be excluded. The report of the ISP-study (Independent Science Panel) from June 15. 2003 clarifies the essential dangers of GMOs in food-production without hesitation : "We don't need bio-terrorists if we have genetic engineers" („*The case for a GM-Free Sustainable world*“, ISP, paper saving version, p. 1, London, June 25, 2003). The report is a compilation of evidence, a "strong argument for a worldwide prohibition for the release of GMO" (p.2). "The most important fact is that it was never proven that GMOs are safe. On the contrary, serious experiences were made being sufficient to question the security of GMO for humans and nature."

Global 2000 is reporting since many years the lack of careful and long term risk assessment of gencech-food („*Erkenntnisreiche Mäusefütterung?*“ from Brigitte Zarzer, October 12, 2004, www.telepolis.de) Gentechnology is known at assurance companies to represent incalculable risks with the consequence that no one will take over an assurance for implementing and using GMO!

No additional safety tests are required for the licensing of genetically modified foods, and specific labelling is also not demanded.

"In contrast to Japan and Europe, the Canadian Food Inspection Agency (CFIA) has not carried out a single test on genetically modified seeds or fodder. Only those data were used which had been received from Monsanto." (P. Schmeiser in: "Danger Genetic Engineering" ed. M. Grössler, p. 197)

"Canadians ... question the safety of GM foods. Further, Canadians, have grave doubts about Canada`s food safety regulatory system - a system based, not on independent testing in government labs, but on reviewing data from Monsanto and similar companies. Finally, farmers and consumers cannot trust the government to regulate because it is too busy promoting the GM food industry" ("*Ten Reasons why we don't want GM wheat*", National farmers union Canada)

In addition, it has now become known that "in the case of the agreement of the authorities to the introduction of genetically modified wheat, the Canadian Government will receive a royalty from Monsanto for every bushel of wheat (the equivalent of around 35 litres). ... Now we ask ourselves: if the government is to receive royalties from Monsanto for genetically modified wheat, how much has it received from the sales of genetically modified canola for all these years? It's now coming to light that the government was in league with Monsanto when this company was given the official licenses. (Percy Schmeiser in "Danger Genetic Engineering" ed. M. Grössler, p. 195)

The procedure of assessing food security was failing from the beginning as reported by the ISP-study:

- Lack of long term consequences for health (testing was only 28 days, although it is known that damage is becoming evident after 90 days resp. 3 years as in case of pharmaceuticals)

- Ignoring existent scientific results on identified dangers

“When an overwhelming number of scientific studies have proven one thing, it is the fact that these foods should never have received licenses at all.”

(*The Ecologist*, May 2004 “Percy Schmeiser”)

Statements like this are numerous: “the best tested GMO-food”... have no long term study ever executed in the world, we miss scientific studies on health problems for humans (*in the introduction of Klaus Faissner in „Danger Genetic Engineering“, Manfred Grössler, p. 13*). The article of worlds best expert on this area, professor Terje Traavik from Tromsø in Norway in this book (p.245-253) is opening the eyes.

As mentioned in the ISP-study the situation is similar to “anti-precaution” ... “in order to enhance the admission of GMO-products at expenses of security (*ISP-Study p. 8*).

Acc. to IPS there exist a number of experiments, listed accurately, informing about safety of GMO-food. They have been “overlooked” however. “GMO-food is unacceptable, as they are not at all proven to be safe ... Although a lack of studies on health risk of GMO-products is evident, the existing findings are sufficient as indications for heavy consequences (p.16):

- Feeding rats with GM-corn showed, that after 90 days (!) changes in blood, increased blood sugar, inflammation and shrinking of kidney were found (*Prof. Gilles-Eric Séralini, Université de Caen, France*)
- Feeding rats with gentech-potatos resulted in shrinking of organs and destruction of immune systemes. (*Researcher Arpad Pusztai from the scottish Rowett-Institute*).
The findings of Pusztai were repeated meanwhile through 23 independent labs and researchers confirming them the result, that the consumption of GMO-food is possibly carcinogenic (“*Initiative for prohibition of gentech-food*” www.netlink.de/gen/home.htm, p.3-4).
- Human cells treated with „Roundup“ herbicide from Monsanto resulted in damage through plant-toxins, possible influence on sexual hormones cannot be excluded together with negative effects on reproduction system including problems during pregnancies (*Prof. Gilles-Eric Séralini, Université de Caen, France in www.zdf.de*)
25.8.4 “*Zu Grunde manipuliert oder optimiert? Experten streiten über Nutzen und Schaden von Genfood*“
- Feeding of 60 cows with bt-corn lead to sickness of the whole herd after 3 years. Sickness involved sticky diarrhoea, inflammation of inner organs, calcium values in the blood going down to zero, udder being perforated, deformed calves born. Many of them died. (case G. Glöckner)
- Infertility of pigs, cancer like alteration of mice (*Engdhal, Pascalstudy, Paris, 28.1.05 (www.proleben.at)*)
- Anaemie at mouses (*LeMonde, 22.4.04*)
- Gene manipulated DNA can be transferred into bacteria human intestine
- Chicken can exhibit twice as high death rate (*in : “Zeitfragen” number 22. 04. of F. W. Engdahl*)
- Polls of bt-corn caused massive illnesses of intestines and respiration tracts of farmers in the Philippines living near to fields, where bt-corn was grown. Professor Terje Traavic,

director of Norwegian „Institut for Gen-Ecology“ founded that this is due to effect on their immune system caused by the bt-corn. („GM-Plants: Danger for men and environment?“ PM-Magazin 11 / 2004 p. 13)

- For the first time scientists identified traces of GMO in the milk of cows. Up to now agribusines insisted that this is not the case. This study was locked for 3 years!

(WeihenstephanerForschungszentrum für Milch und Lebesmittel Bayern

www.diemucha.at, 23.06.04 : Topstory: Augen auf! Gentech raus!)

- studies of feeding rats with gentech-corn producing an insecticide caused damage of health. The corresponding documents have been locked in secrecy by Monsanto and where opened sucessfully by claim of Greenpeace (“Brisante Experimente”, 22.6.05, www.greenpeace.at)
- Studies on mouses is manifesting the transfer of DNA from feed to organisms with possible effects on the immune system (*Study of Shaare Zedek Medical Centers Jerusalem, Gastroenterology 2004, Volume 126 – 2*).
- Parts of DNA from GM-soya and GM-corn are taken up from lymphatic vessels being transported afterwards by blood circulation system to organs at mice, cows, chicken and pigs. “Even in the milk and in meat traces were found from DNA of the feed. At nematodes it could be shown that DNA from feed can lead to Gen-silencing.

These results indicate that risk assessment up to now was seen too narrow focussing

on proteins only. Clearly the existing data for assessing food security in case of GM-Roundup-Ready-Soya and bt-corn is not at all sufficient (Werner Müller, *Gentechnologyexpert of Austrian Environemntal Organsiation Global 2000 in „Erkenntnisreiche Mäusefütterung?“*, Birgitte Zarzer, 12.10.04, www.telepolis.de)

- independent scientist identify regularly in studies with animals drastic alterations of kidneys, lever and blood caused by GMO (*Umweltnachrichten 100 / 2004 S. 23*)
- since the implementation of GMO in USA 8 years before the illnesses caused by food show an increase of 40% (*Umweltnachrichten 100 / 2004 p. 23*) representing a two to ten fold increase (*ISIS report from november 3, 2001: “illnesses caused by food increased two to ten fold in USA”*)
- “the drastic increase of allergies and other illnesses is possibly caused by pesticides”
(*British Society for Allergy, Environmental und Nutritional Medicine, „The case for a GM-free sustainable world“, paper saving version, ISP june 15. 2003, p. 25*)
- it cannot be excluded that transgenic DNA penetrating the genom of animal cells causes an initiation of cancer. Possibly the feed stuff of GMO is enhancing this risks also at humans consuming GM products from animals. (“*The case for a GM-free sustainable world*”, *paper saving version, ISP 15.06.2003 p. 3 / 4*).
- GM-products are potentially more dangerous then traditional food products: Genology is introducing new dangerous allergenic and toxins into food. GM-bacteria used for the increase of production of tryptophan as food additive resulted to the death of 37 persons and 1500 people with permanent paralysis due to unidentified toxic by products (see “*GM-food a serious menace of health*” p.4, www.netlink.de/gen/fagand.html). The cousine of an Austrian farmer was effected by this pharmaceutical: the assurance was paying a social insurance, while the producers of this product were not made responsible..
- “There are lots of publications of scientific studies concerning the increased use of Glyphosate as main pesticide (Roundup), which is responsible for a great threat for human health as well as for animals and nature” (*ISP-study “The case for a GM-free sustainable world” from june 15. 2003, p.11*)

- Researchers from the York Food Lab found out that allergies caused by soya lead to an increase of 50% in the last year. The study made by Europe's leading experts in food security showed, that problems with GM-Soya, which is the most used genotech-food, increased from 10 to 15% last year. "this provides real evidence of the immense danger for human health" ("*allergies caused by soja has increased drastically in the last year*" www.netlink.de/gen/Zeitung/999/9903/2b.htm)
- In USA the redemption of food contaminated by GM-products resulted in costs of more than 1 billion of US\$! Thus, it is clear, that this was caused by GMO, which are seen not to be safe and without risks (p.15).

All together, these cases are showing that the "substantial equivalence" between natural food and genotech-food is not valid!

"Until today the long term risks of GM-food are unknown. Economic interests of only few big agro-industries must not have priority over health of millions of consumers" (*Philipp Mimkes from the Coordination against Bayer-dangers in a press release from february 11 2004 „Großbritannien: Erneuter Rückschlag für Gentech-Programm von Bayer CropScience“, www.cbgnetwork.org.*)

„Based on the drastic lack of knowledge about risks for health and consequences for ecology as well as for economy the approval of commercial release of GMO is not acceptable“ („*Trans-gene Pflanzen im Freiland: Situation in Europa und Forderungen des Umweltinstitutes München e. V.*“ www.umweltinstitut.org, Petra C. Fleissner, *Umweltnachrichten* 82 / 1998).

All these facts are the list of suspicious risks of GMO: " more and more scientific studies suggest that DNA from food can have drastic effects on human organism: in the sense of a maximum of precaution all these unknown facts must be clarified. The release of GM-food is, thus, in strongest contradiction to responsibility for life" (www.telepolis.de „*Erkenntnisreiche Mäusefütterung?*“, B. Zarzer, 12.10.04).

a) „... Improving all aspects of hygiene of environment & at work

Caused by the drastically increased input of pesticides connection with GMO the environment as well as the working conditions of farmers will be damaged very strong in the handling of these things including neighbours (s. *point 4, Section 2 a and point 5 / summary of studies*).

b) „ ... Preventing ... sicknesses at work and other areas“

The use of GMO in Canada leads to a further intensification of the use of pesticides and therefore to a drastic threat for health of working people.

Percy Schmeiser about the situation of the farmers in Canada:

"In Saskatchewan we use a third of all the chemicals - insecticides, herbicides and pesticides - which are employed in Canada, and we have the highest cancer rate. ... I haven't got a single neighbour who hasn't had cancer, and only one of them is still alive. I'm the only one who hasn't become ill. Particularly alarming is the fact that in villages with 400 or 500 inhabitants you can often find children – babies under the age of one – who are already suffering from cancer, and it

is not unusual that there are four or five such babies in a single village. “ (*Percy Schmeiser*” in : *The Ecologist* May 2004)

Known risks for health (increase in allergies, death of cows, alterations at rats, deformed at birth, identified DNA etc) are evidently tolerated instead of carrying out through long term research, existing studies were ignored or even hold back in secrecy.

The increased use of pesticides is enhancing sicknesses at work as shown further on this place:
“broadly active herbicides are highly toxic for humans and other species: Glufosinat-Ammonium and Glyphosate are released through herbicide-tolerant transgenic plants representing worldwide 75% of transgenic plants. Both are systemic metabolic toxins which are thought to lead to damaging effects, which are proven in some cases. ... Glyphosate is the most common reason for diseases and toxications in Great Britain.. Huge rates of dysfunction of the body are reported using just “normal” amounts of toxins. Contact with Glyphosate is doubling the risk of breaking off pregnancies spontaneously or even later on. Children were born having increased diseases in behaviour due to damaged nervous system when people applied Glyphosate. ... Roundup (based on Glyphosate) causes disfunctioning of cell division correlated with initiation of cancer. Known effects ... are thought to be seriously enough in order to stop any further use of such herbicides” (*„The case for a GM-free sustainable world“*, ISP, paper saving version, june 15 2003, S.3)

5. Violations of the right for freedom in sciences and research (Art. 15)

Section 3: „The states of the pact agree to respect the freedom in respect to the creative work as a prerequisite for scientific research”

Freedom in research is no longer given! 95% of scientists in the area of genetics & genetic engineering work dependently in direction of industry. In case they produce data and result, which are not in agreement with expectations of industry are punished by loosing their job and/or loosing financing and materials for the research (*“A film for Life”, Bertram Verhaag in “Danger Genetic Engineering”, p. 183-186*).

“There are various reasons for the widespread distribution of transgenetic plants. Extensive research has revealed that manipulation by the biotech industry and its close cooperation with politics play a decisive role in the increasing application of this new technology in the USA. For example, no additional safety tests are required for the licensing of genetically modified foods, and specific labelling is also not demanded. In addition to this, hardly any critical reports are published. On the part of the industry, every effort is made to prevent negative influences from being exerted.” (*“The genetic engineering boom in the USA” farmernewspaper, No. 49/2005*)

"Risks are being played down unscrupulously here, research results are doctored, critics threatened, evidence stolen and sceptics are silenced.” (*Random house special about J.M.Smith: “Trojan Seeds”, December 2004*). It is shown “that it is the influence of the industry which has opened the market for these foods, and not reliable scientific investigations. ... Just as breathtaking as the immense plans of the industry are its manoeuvres to distort and disguise the truth.” (*J. F. Smith “Trojan Seeds” p. 15 / 16*)

“Nearly all transgenic plants are admitted in USA, where security tests are based on “consultation by free will” of gentech-industry. They are deciding, which data are given to the administration body. This means, that industry is making the admission themselves!

...This fact is a scandal by itself, but is even worth by infiltration of authorities through employees of gentech-industry!” (“*GM-plants don’t fulfil expectations*“, Andreas Bauer, *Umweltnachrichten* 100 / 2004).

Thus, the independent state of scientists is regarded as one key factor. “There has been a history of misrepresentation and suppression of scientific evidence ... Many experiments were not followed up ... (ISP „*The case for a GM-free sustainable world*“, paper saving version, june 15, 2003, p.9)

The findings in case of the cows damaged from bt-corn (G.Glöckner /germany) disappeared, obviously in order to maintain silence and order.

In case of pharmaceuticals, 7 to 10 years are needed for research before admission is given. Thus, how long must research been carried out in case of GM-food products effecting 450 millions of people? GMO are irreversible!

“Furthermore it is unbelievable that beyond the lack of long term studies the studies of the eco-social consequences have been carried by the applicants themselves!” We can conclude, what already was written before, that the main part of scientists as well as other industries is totally dependent from agro-business. (“*Ausgeblendete Risiken*” from Werner Müller and A. Velimirov in „*Danger Genetic Engineering*“, Manfred Grössler, p. 237- 239). The only chance, thus, is that society by itself will spent money for carrying out serious independent research. This to secure is the canadian government now demanded.

Already in 1998 a lawyer in USA was elucidating internal acts showing that the American government is misleading worlds population in case of health risks, caused by GMOs in food. A publication of FDA, the American Food & Drug Administration, responsible for admission, showed that the warnings of American researchers were ignored and that facts were illustrated in a wrong way in order to help biotech-industry! Nearly 10 years official FDA was misleading the public in case of GMO-food! Later on the FDA admitted that they were forced to act in this way. Written documents from FDA researchers show clearly that original lab-data on GMO-food are proving the health risks! Officials with the FDA ignored these statements by stating that there are no health risks, thus, gentech-food is substantially equivalent to natural food and need no security checks! (“*US-lawyer is unveiling: american government is misleading the world about health risks of gentech-food*” in www.netlink.de/gen/druker.htm and www.biointegrity.org).

Creative work is completely impossible for farmers under such conditions as they are not allowed to grow their own seeds, and only patented seeds exist. Rice, a main food in Asia, also was recently applied for patent rights, e.g. in India while 200 original sorts of regionally adapted rice are collected by farmers. This independency obviously is intended to be broken from Monsanto...However the GM-plants are not adapted to regional soil and conditions! TRhe bio-tech industry wants farmers to pay royalties, which leads to slavery, threatens their existence and has already resulted in collective suicides.

6. Steps for ensuring Rights of farmers and consumers

- Definitive prohibition of the licensing of genetically modified wheat
- Compensation for organic farmers for the losses caused by the development and marketing of genetically engineered rape seed.
- Full responsibility of the firms for all consequences
- Objective and independent monitoring of all foods with regard to GMOs
- A prohibition of any use of GMO for food and feed until the potential risks are proven to not exist for eco-social consequences using long term research
- Accurate research on known risks for health of humans and nature
- Long term research executed by independent scientists
- Prohibition of GMO in the area of food production and agriculture in Canada
- prohibit the import of GMO
- obligation to label all GMO-products
- implementation of liability through agro-industries for all damages
- prove that member of commissions and decision groups are independent and include NGO's into commissions
- guarantee the transparency of decisions
- ensuring and protecting the interests of farmers and consumers in direction of sustainable agriculture and food production against the interests of lobbies from GMO-industries
- Amendment of patent laws in favour of the rights of farmers
- Implementation of existing laws for the protection of farmers, thus guaranteeing that the rights of farmers are maintained - without exceptions - by sufficient security forces and an appropriately functioning jurisdiction. Violations of the law (theft, blackmail, breaking and entering etc.) have to be penalised immediately and severely, in order to prevent further threats to farmers.

Summarizing it becomes clear, that the government of Canada has not fulfilled its duties to follow national laws and constitution as well as the corresponding duties on the international level. For the Canadian population this means an existential and irreversible threat of its health and food security. Life of many individuals is endangered caused by the inactivity of the government leading potentially to total loss.

We are demanding from the Canadian government to protect its population against unemployment and the increase in poverty but also to ensure access to healthy food in a sustainable way!

We are therefore asking the committee to clearly express its concerns and to urgently act in such a way that the violations of human rights for farmers and consumers in Canada are stopped as well as to ensure their observance by sustainable legislation based on the arguments given here.

Answer of the UN-committee:

There was no direct answer, because more than 40 groups have reported on human rights violations in Canada and the Committee could not complete this task by working. I have never experienced with any other hearings, that so many groups reported against a country. And it did not concern any banana republic, but Canada, a civilized and rich country!

The breakthrough: India march 2008 with Vandana Shiva

Parallel report to the second, third, fourth and fifth state report of India on the implementation of the International Pact on economic, social and cultural rights

Social Human Rights in India

Violations of Human Rights - the right to food – at the Indian farmers

Presented by

Navdanya, A-60, Hauz Khas, New Delhi

Contact:

Dr. Vandana Shiva

and

Dr. Vinod Kumar Bhatt

A-60, Hauz Khas, New Delhi

105, Rajpur Road, Dehraun.

vshiva@vsnl.com

navdanya@sancharnet.in

March 20, 2008

The information given in this report focuses on the consequences of a highly perturbing global development, the use of genetically modified organisms (GMOs) in the area of agriculture, which in India has now resulted in about two hundred thousands of farmer-suicides. It seriously violates the economic, social and cultural rights of Indian farmers.

India in particular is one of the most affected countries worldwide by this development. It is the world's fourth-largest producer of genetically modified agricultural products, the large-scale cultivation of GM cotton.

India as a country has made great strides in economic growth in the last years.

However the rural economy has suffered serious decline. The introduction of GMO's

especially Bt. Cotton has also brought a drastic increase of many negative consequences particularly for the poor and the people in agriculture. Increasing rates of export and a great increase of big business investing in India has also brought an increase of poverty and dependency of farmers on corporate seed supply.

We are very concerned about this crisis increasing caused by further planned steps of government to introduce GMO's on a large scale by also dismantling the biosafety regulation (9/11).

As one consequence of this development of GMO's the rights of the people to self determination, the right to food, the right to health, the right of children's protection are already being massively infringed in India.

A further result of this development are the suicides of more than hundred thousand of farmers, because they see no way out of their increasing debts and their situation.

That's why we are urging the government of India

- to forbid GMOs in the area of food production and agriculture in India by law
- give compensation for the economic losses of farmers who have been producing bt-cotton and failed
- to secure the access to food also for the poorest people with immediate measures
- to forbid children's work in production of Bt. Cotton hybrids

We are requesting the committee on economic, social and cultural rights to present its concerns about the violations of economic, social and cultural rights caused by the use of BT-cotton and the planned increase of GM-field – trials in India and to formulate recommendations to the Government of India on how to end these violations.

Dr. Vandana Shiva

List of contents:

1. Introduction
2. Situation in India – reasons for the human-right-violations
3. Violation of the Right to Food (Art. 11)
4. Violations of the Right to Health (Art. 12)
5. Violations of the Right of people to Self-determination (Art. 1)
6. Violations of the Right to Work (Art. 6)
7. Violation of children-protection (Art. 10)
8. outlook to planned steps of government for 2008 intensifying the named human right violations and the fatal situation of farmers in India
9. Steps in order to ensure the rights of farmers and consumers

1.) Introduction

The following texts of different international publications give a good first overview about the acute situation of human right violations in India:

Jean Ziegler writes in his report about the situation of the right to food in India from summer 2005: “.. he is concerned, that India still has the largest number of permanently and chronically undernourished people .. in the world, and that hunger and malnutrition have been increasing since the second half of the 1990s.” (report p. 18).

The current status of malnutrition is as follows –

Underweight children below five years	43%
Underweight children below five years	55 million
Malnourished below five years	47%
(In Least developed countries figures is 35%)	
Malnourished below five years	60 million
Neonatal death (1 st 28 Days (in the world 4 million)	1 million
Low birth weight (less than 2.5 kg (in the world 19 million)	8.3 million
Anaemic children below 3 years	75%
India's population with food insecurity	35%

2006 more than 200.000 farmers were forced to commit suicide – and daily there will be more

“Farmer suicides in India”: “It would be more humane to bombard the country.”- “They were given GM seeds and the promise of abundant harvests – now the fields are rotting, and the farmers are swallowing the pesticides themselves” (SZ 4. / 5. Nov. 2006 S. 3)

Gourmet Report - 11.12.2007 :

GM cotton pushes Indian farmers into death

GM cotton did not bring Indian small farmers the benefits they had hoped for. The high-yield seed was able to keep away pests only for a few years. After three to five years, harvests began to fall again, as the pests had become resistant to the chemical poisons. Eventually, the chemical companies advised farmers to use even higher doses of pesticides. With this, a deadly circle had started, which in the passed years has claimed the lives of ten thousands of farmers who committed suicide, as they could see no way out of the debt trap.

“Monsanto BT Cotton – gentechology and death” ([HYPERLINK "http://www.finanso.de/blog/"](http://www.finanso.de/blog/) [www.finanso.de/blog/ monsanto-bt-contton-gentechnik-und-der-tod/](http://www.finanso.de/blog/monsanto-bt-contton-gentechnik-und-der-tod/)): 521 farmers have already committed suicide this year in Vidabha, last year there were over 1.200 taking their own lives. Almost all of them drank pesticides, some of them put fire at themselves ... over 6000 farmers have already killed themselves in Vidarbha, over 2 million are indebted”

“As ... the example of India shows, the agro-gentech-industry does not create new jobs, but rather destroy jobs and generate social misery. A handful of Monsanto employees and their likes have the power to tyrannise farmers around the world ...

... The widespread cultivation of a genetically engineered cotton variety patented by Monsanto ... has caused widespread crop failures, driving thousands of Indian cotton farmers into desperate poverty. Since Monsanto's GE cotton was introduced 20.000 bankrupt farmers have committed suicide". (Science Review Letter 5 Nr. 64 15.11.2006).

„GM cotton has turned out being a ruinous adventure for millions of farmers and has pushed thousands into suicide because of massive debt.“(“Gentechnik in Indien“ Nachrichten 17.42007).

“In Andhra Pradesh alone over 2000 people have taken their lives ... 10 – 12.000 families are now facing total ruin ...” („*Asiatischer Dämpfer für grüne Gentechnologen*, 10.7.05)

„Today the largest number of farmer suicides happens in this area, where Monsanto seeds are widespread.“ (Vandana Shiva, *Times of India*, [HYPERLINK "http://www.lobbywatch.org"](http://www.lobbywatch.org) www.lobbywatch.org Nr. 45 18.6.2007)

This agribusiness acts worldwide and is supported by the US government; they think in terms of profit ignoring health and welfare of humans. “Ruling food means ruling mankind” was a saying of Henry Kissinger’s. Thus, Governments no longer fulfill the needs of their people, but follow the path of profit of some big agribusiness corporations in their attempt to govern globalisation.

This tendency resulted just in many thousand of human-right-violations in the areas of food, health, self-determination and work in India leading to the destruction of farmer’s livelihoods and to suicides of over 100.000 of farmers (this data was presented by the Agriculture Minister in May 2006).

We sincerely hope, that the committee for economic, social and cultural rights is able and willing to stop immediately further suicides and hunger and help out in order to support people’s rights which are written down in the International Pact of economic, social and cultural Rights.

2.) *Situation in India – reasons for the human-right-violations:*

How many people are concerned in India?

In India about 59 % of the over one billion inhabitants work in agriculture – an important sector of the Indian economy. More than every second Indian either works in the production of food or cotton.

India is the 7. - largest country on Earth, and has about 1 billion inhabitants – so it is after China the country with the most inhabitants worldwide.

The agriculture sector is with 59, 4 % the largest employment sector in India. The agricultural market contributes about 21 % to the financing of the Indian budget. The biggest exports are agricultural products, especially cotton, wheat and rice. India is the second-largest producer of wheat and rice in the world.

The “Chief Justice of the Uttar Pradesh High Court .. said ... on the Right to Food:
” ***in a country where there is plenty of food, every child, woman and man dying from hunger is assassinated***’.

(report of Jean Ziegler about the right to food in India, summer 2005, p. 16)

Reasons for human right violations in India:

“Indian agriculture is experiencing corporate take-over. This means: farmers are losing their millennia-old knowledge and their skills in dealing with the earth and the biological diversity. Here in India we are witnessing one of the worst human tragedies ... (Deutsche Welle „Grüne Gentechnik – Fluch oder Segen? Teil 5: Indien, Jan. 2005).

„Total phasing of global agriculture is the goal of the two giants in the business, Pioneer and

Monsanto. After taking over the main competitors, the two now stand as the only Global Players in the business. The two corporations have downright divided up the market among themselves. ... Today 90% of GM seeds marketed worldwide are produced and sold by Monsanto. Monsanto's second important pillar is patenting, especially of staple foods that have been cultivated on earth for millenia. This sort of activity is called bio-piracy." (*We feed the world* S. 39)

"The market leaders in the seed industry, Pioneer Hi-Bred and Monsanto, have in the passed years deprived many people of their material as well as physical existence." (*We feed the world* S.-52)

At the end of March 2002, the cultivation of GM BT cotton has been approved by the Indian Genetic Engineering Approval Committee (GEAC). 25% of the world's yearly production of cotton is grown in India. With over 8 million hectares, India has the world's largest area of cultivated cotton, while being only the 3rd producer after the US and China. (*FAZ* 7.11.2007 S. N1)

About one third of India's farmers grow cotton - ... Today India's agriculture, still the basis of subsistence for two thirds of the 1.2 billion Indians, no longer exclusively serves the purpose of self-sufficiency. Nowadays it's about getting shares on the world market. (*Deutsche Welle* „Grüne Gentechnik – Fluch oder Segen“ Teil 5, Indien. Jan. 2005)

Mahyco is the company producing transgenic cotton in India. US seed company Monsanto holds shares of 26%. (*Bio-scope.org* 16.4.2002 „Transgene Baumwolle in Indien zugelassen“).

„Over 2.5 million small farmers ... have ... planted GM cotton this year – on over 5 million hectares of land. This corresponds to a quadruplication in less than 3 years. Nowhere else on the planet has the green gentechnology experienced such soaring sales as in India." (*FAZ* 7.11.2007 S. N 1).

„IDE-India (International Development Enterprise), a partner organisation of development aid agency Misereor, has evaluated the report „BT-Cotton in India: Two Years of Failure“, containing four studies on the cultivation of GM cotton. According to the report, harvests of GM cotton were significantly lower. The genetic modification did yield only limited protection against bollworm and was moreover ineffective against other pests such as plant louse. Harvests and quality of the GM cotton were significantly lower than with conventional cotton, so that many farmers have to face significant losses at the end of the season." (*GM cotton in India not a success*" v. 2004-05-12, <http://www.vistaverde.de/news/Wissenschaft>)

An interview with Vandana Shiva, winner of the alternative nobel prize, illustrates the situation in India:

Agro-corporations threaten the existence of small farmers

In the last ten years 150.000 small farmers have committed suicide in India. Why?

VANDANA SHIVA:

Small farmers' suicides concentrate in the cotton belt of the provinces Karnataka, Adhra Pradesh, Vidharbha and Punjab. The main reason is the introduction of the genetically modified BT cotton

seed by monopolistic agro-corporation Monsanto. Its corporate agents bought up all other seed companies in the area, so that only Monsanto BT cotton seeds would be sold on the market. What Monsanto middlemen also did was to buy conventional regional cotton seeds from small farmers and destroy them.

What were the consequences?

SHIVA: Farmers used to be able to reproduce conventional regional seeds several times. Monsanto's GM seeds however cannot be reproduced. One needs to buy them anew every year. Since the GM BT cotton seeds are ten times more expensive than conventional seeds, farmers had and still have to borrow money and incur debt. In order to bring in those costs again, they need to produce more and that's where the vicious circle starts. Overproduction requires an increased use of pesticides and fertilisers. The consequences: farmers get more and more indebted, are no longer able to pay back their credits and commit suicide. Because of that, and also because of the arrival of big supermarket chains such as Walmart and Reliance, food prices increased. These corporations are pushing aside and threatening 40 million small food stores and food vendors in India.

Why does ecological agriculture yield higher productivity and higher gains to farmers than monocultures do on a same surface?

SHIVA: Indigenous ecological agriculture is based, particularly in tropical countries, on the cultivation of mixed cultures. Also, in a healthy rotation system, varied crop and vegetable varieties are cultivated. Research – for example those of Professor Jules Pretty of Essex University – have shown that farmers in countries such as India, Kenya, Brazil, Guatemala or Honduras have doubled or tripled their incomes, when they switched to ecological or half-ecological agriculture. In industrial agriculture and in monocultures, the input of used resources such as fertilisers, pesticides, water, fossil fuels and energy (machines) is higher than the produced output.

Industrial agriculture is increasingly destroying the biological diversity of animal species and vegetable plants. What consequences does the destruction of biodiversity have?

SHIVA: Farmers who plant soy or cotton monocultures are more vulnerable in case of drought or other climate changes than those farmers cultivating an ecological diversity of wheat, vegetables and fruit crops. On the one hand, indigenous regional varieties of ecologically producing farmers are more resistant to extreme climate conditions than seeds from agro-chemical companies for monocultures. On the other hand, in cases of drought there are always some crops that survive on diversified cultures, while on monocultures everything is ruined.

(Southwestpress 29.08.2007)

3.) Violations of the right to an adequate standard of living, including food, and the right to be free from hunger (Article 11)

Like Jean Ziegler writes in his report "The right to food – Mission to India" from summer 2005 about the situation of the right to food in India "... there are signs that hunger and food insecurity have increased since the second half of the 1990s ... "(p.5) " 25 % living below the national poverty line and 80 % living on less than US\$ 2 per day ...it is estimated, that the poorest 30 per cent of households eat less than 1.700 kilocalories per day (.int. minimum standard: 2.100 kc pd) even if they spend 70 per cent of their income on food. ... it is also a sign of increasing food insecurity amongst the poorest ... the hungry ... are primarily ... living in rural areas and depend on agriculture, working as .. farmers with less than one hectare of land. ... " (p.6)

This right is no longer ensured for most farmers in India. The **greatest danger to secure these right is** the destruction of livelihoods as follow of cotton-planting with GM-seed.

Corporations have managed to have gentechology accepted worldwide as "the only way to feed humanity". "However, trends and effects of gentechology have shown that gentechology in agriculture is a warranty for crop failures and therefore for shortage of food ... "Indeed, gentechology can push aside and destroy only those foods that ensure food security in the various habitats."

(V. S. in "Gefahr Gentechnik" S. 218)

Jean Ziegler in his India-report about the right to food:

"The shift towards a more export oriented economy has seen a shift from subsistence to cash crops, reducing the cultivation of grains, pulses and millet for household food consumption. With cash crops requiring increasingly expensive inputs such as seeds and fertilizer, many farmers have been pushed heavily into debt, which seems to explain the crisis of farmer suicides ... It has also brought greater pressure ... with landless households increasing dramatically over the 1990s to around 45 per cent of rural households. Along with falling agricultural wages and rising food prices, these trends seem to have contributed to growing food insecurity amongst the poorest, especially in rural areas" (p. 8).

A reason endangering these rights is the threat of dependency of farmers on big agribusiness, which is acting quite unreasonably using false promises:

"Monsanto told the farmers at that time that there would be larger harvests, that everything would be more nutritious and that we would need fewer chemicals!" (P. Schmeiser, Canadian farmer, in "Danger Genetic Engineering" ed. M. Grössler, p. 194)

Percy Schmeiser, an canadian farmer, about the situation of farmers worldwide after using GM-crops: "So we could see that everything they had told us about the use of less chemicals was wrong and invented. The yield... has already fallen by 6.4% and the yield of soy beans has sunk by at least 15 percent. The genetic engineering companies continue to withhold the fact that the quality is around half as good as that of conventional We thus have less yield, more use of chemicals, a new super weed and significantly lower quality." "Danger Genetic Engineering" ed. M. Grössler, p. 196)

"Yields from cotton sells were able to cover only the costs for pesticides. That was not enough to buy enough food for the family. Farmers started to borrow money from those firms that had sold them the chemistry for the cotton cultivation in the first place. At the same time those firms were also dictating the prices for cotton, as they were the only buyers. An independent study that evaluated five percent of the harvests of small farmers in the first cultivation season of Bt cotton showed the following figures: with constant pesticides costs and costs for Bt cotton being three times higher, the net profit deriving from Bt cotton was 73.5 Dollars and from GM-free cotton 305 Dollars per hectare."(Gourmet Report 11.12.2007 – Gentech-Baumwolle treibt indische Bauern in den Tod")

A long-term study in Andhra Pradesh/ India showed that GMO-farmers grew less than 60% in the last three years compared to conventional seed farmers. More than 10,000 small scale farmers have nothing left to live on. (HYPERLINK "[http://www.heise.de/www.heise.de/ Artikel „Asiatischer Dämpfer für grüne Gentechnologen“ von Gerhard Klas from July 10, 2005](http://www.heise.de/www.heise.de/Artikel_„Asiatischer_Dämpfer_für_grüne_Gentechnologen“_von_Gerhard_Klas_from_july_10,_2005)).

“There were 110 suicides committed in August by Vidarbha farmers unable to overcome wrenching poverty or repay their debts. Vidarbha Jan Andolan Samiti reports that more than 800 farmers have taken their lives since January 2007 in Maharashtra state. Since June 2005 ... desperate farmers have killed themselves across India, leaving their wives and children in even worse financial situations than when they were alive. "Vidarbha was once a white gold mine. We gave the world the best soft cotton. Our cotton was liked by Europeans because it was cheap and shirts made from our cotton kept them warm," Tiwari said.

Tiwari explains that while the cost of healthcare, education and food have all gone up, farmers' earnings are sinking into the negative zone. He cites a government survey showing that a Vidarbha cotton farmer earns minus 400 rupees. In other words, said Tiwari, "He is not earning anything."

At the root of the thousands of suicides among Vidarbha cotton farmers is a credit squeeze by legitimate banks, which forces them to depend on illegal money-lenders, while they must use expensive genetically modified seeds, pesticides and fertilizers.

The central government has failed to provide a minimum support price for cotton farmers that is equal to the cost of production.

The combination of all these factors is driving farmers over the brink.”

*(Vidarbha Farmers' Suicides Inspire Highway Blockade Across India
ENS, 3 October 2007 HYPERLINK "<http://www.ens-newswire.com/ens/oct2007/2007-10-03-01.asp>"
<http://www.ens-newswire.com/ens/oct2007/2007-10-03-01.asp>)*

“The follow up of these crop failures was, that in India farmers “escaped” this situation by suicide as they saw no way out due to high debts. In Argentina, 10 years after the start-up of GMO-growth, 160,000 farmers have lost their jobs and have nearly nothing to eat.” (HYPERLINK "<http://www.proleben.at/unsl.htm>"www.proleben.at/unsl.htm).

A further problem as follow of the Bt-cotton ruins the base of life and food of the farmers:

“Goats and sheep grazing on post-harvest Bt-cotton fields were found dead ... in 2006 and the first two months of 2007. The Andhra Pradesh government has advised farmers not to allow animals to graze on Bt-cotton fields after four institutes reported the presence of toxins in them. ... “The deaths have resulted in huge economic losses for farmers” (HYPERLINK "[http://www.hindustantimes.com/](http://www.hindustantimes.com/www.hindustantimes.com/)" www.hindustantimes.com/ 17. June 2007 “BT cotton can kill farm animals”)

This proves that the future of agriculture is clearly to be found in organic farming and not in the cultivation of genetically engineered plants. The Indian Government should therefore stop immediately the use of GM cotton in order to ensure the livelihoods of its farmers and to prevent a further spread of the cultivation of GMOs.

Article 11 (2):

a) “in order to increase the methods for the production, durability and distribution of food with the full aid of technical and scientific knowledge ... as well as by the development or reform of agricultural systems... with the aim of maximum production and use of natural sources”

b) „in order to ensure a corresponding fair distribution of food in the world considering the problems of the exporting and importing countries”.

In Summary also from the informations before GMO is not the right method to increase the situation of agriculture and food-security in the world, also it destroys natural sources and minimize the harvests. "A lie in the propaganda of the GMO-industry was unmasked: it is not true that GMOs need less pesticides but the truth is that GMOs need more pesticides year by year". (*"More pesticides are sprayed over GMO", scientific study by Benbrook in Ökologo 1/2004, p.2*). An increase of 50-60 % is found (*"Uneconomical in the long run" by Klaus Faissner in "Danger Genetic Engineering", p.234*).

"10 years after the introduction of GMOs in agriculture it can be stated: none of the promises of agribusiness have come true: neither higher yields nor better ecology. On the contrary, the ecological consequences are a severe catastrophe. Treasures of nature have become a victim of maximization of profit. Through the excessive use of total herbicides, the soils are damaged so much that they are going to lose their fertility soon resulting in a drastic decrease of harvest." (*"Gen-Pflanzen erfüllen Erwartungen nicht" Andreas Bauer, Umweltnachrichten 100 / 2004 p. 25*)
The end result is that through GMOs "the maintenance and sustainable use of natural resources" (*part II, guideline 2, 2.5*) - which is claimed by FAO guidelines – is no longer secured in India.

„Genetic engineering fighting against the hunger in the world”

Like told just Jean Ziegler:

Our world produces so much food, that we could feed the double of people living on it – twelve billions. The problem is not, that we have not enough for feeding all people, the problem is the right distribution of it, so that all would have enough.

"It is grotesque to identify agro-industries which apply GMOs with all mentioned problems as being able "to solve the problem of hunger", when they are creating hunger, destroying soils, polluting ecosystems and monopolizing power." (*"GM-plants don't fulfil expectations", Andreas Bauer, Umweltnachrichten 100 / 2004, p. 24*)

The world's population could be fed quite well without hunger if the distribution of food was carried out together with efforts to maintain or enhance fertility of soils and to maintain biodiversity. Thus, GMOs in food production and agriculture are not contributing towards solve the problem of hunger, they are intensifying it.

Developing countries have found out, that "GMOs are destroying biodiversity that has been developed during the last thousands of years. Therefore GMOs also destroy the ability of the people to feed themselves. Development policy organisations like "Christian Aid" or "Brot für die Welt" consider GMOs, the so called "green gentechology" as contra productive, increasing hunger and poverty. ... In short: in order to ensure food security in the world, we must improve the eco-social conditions based on common eco-social standards in connection with the "eco-social market economy". Any short term increase of yields using purely technical means at the expense of the environment and humans is seen as the wrong way. Economy is based on nature, an destroyed ecosystem will not feed future generations. Sustainable ensuring the food supply therefore needs an agriculture, which maintains nature in its carrying capacity: fertile soil, clean water and air and a great regional biodiversity." (*HYPERLINK "http://www.greenpeace.de/themen/gentechnik/"www.greenpeace.de/themen/gentechnik/ „GMO – no hope for the hungry“ from October 1st, 2004*).

In order to improve methods of productions, distribution of food and better use of natural resources we are demanding that the Indian government forbid the use of GMOs and becomes active at an international level to disseminate the fact that GMOs in food production and agriculture are not solving the problem of hunger, as only a fair distribution of food together with

efforts to enhance fertility of soil and biodiversity will contribute towards solving this global problem.

4.) Violations of the Right to Health (Art. 12)

"In order to at least maintain yield levels, it was and still is necessary today to do 18 sprayings per cultivation season", explains gentech expert Werner Müller of Eco-Risk. More chemicals meant more costs for farmers, much more profits for chemical companies and significantly higher damages for the environment and the farmers' health.

Just how poisonous the chemicals are, Müller illustrates with an example: "In 38% of cases where sprayings have been applied farmers suffer from symptoms such as muscle cramps or nausea. In 6% of cases, sprayings lead to severe poisonings, and in 10% of cases, poisonings emerge with neurotoxic symptoms." Cotton is cultivated on just 2.4% of farm land. "But for that, 24% of all sprayings applied worldwide are necessary", explains the expert ..."

"Skin allergy and pulmonary problems reported with Bt cotton" (21.10.2007)

Chandigarh, Tuesday, 16th October 2007. Lehra Mohabbat / 15 October/ Manjeet Dhaliwal

Now the farmers and the farm laborers are forced to struggling with a new problem. Many farmers and laborers are suffering with the problem of skin allergy and pulmonary diseases after the Bt cotton plucking

Dr Gurpiar Singh told our representative that poisonous types of genes have been used in the BT cotton that's why the farmers and the laborers are affected most. He has been known of many cases."

("http://www.gmwatch.org/archive2.asp?arcid=8398" <http://www.gmwatch.org/archive2.asp?arcid=8398>)

This facts show further, that the use of GMO-plants like Bt-cotton brings violations of the human right to health – and should be stopped by government immediately.

5.) Violation of people's right to self-determination (Art. 1)

Section 1: "All People have the right to self-determination"

"With the introduction of gentech technology ... farmers have lost any form of self-determination. Their land has been ... contaminated – with all the negative consequences: destroyed harvests, destroyed lives." ([HYPERLINK "http://www.thiele-und-thiele-consult.de/press" www.thiele-und-thiele-consult.de/press](http://www.thiele-und-thiele-consult.de/press) *Fakten der Agro Gentechnik* 15.11.2006)

Experts speak of „economic imperialism by multinational corporations“ (*bio.-scope.org v. 16.04.02*)
"These are signs of a food dictatorship" (V. Shiva in "Gefahr Gentechnik" p. 231)

"To be free of GMOs is an expression of our fundamental right to free food choice"

(Vandana Shiva in „Gefahr Gentechnik“ p. 231).

... the aim of contamination through field trials – the end of any self-determination:

„The idea of a so-called „coexistence“ between manipulated und non-manipulated plants is impracticable. Even in countries without the cultivation of GM plants, the contaminations accumulate. GM technology has already got out of control. This process is intended by the GM technology corporations: „ The industry hopes that the market will become so flooded that you cannot do anything against it any more. One just capitulates.“ (*Don Westfall, counsellor of many GM technology corporations in „Contamination – GM plants out of control“ flyer of the Environment Institute München e. V.*)

Excerpt of an interview with Percy Schmeiser, an Canadian farmer (*in: The Ecologist, May 2004*), about the meaningfulness of the field trials:

„ Which goal did they have?“

P.S.: For the biotechnology companies „ this is a good opportunity to get a toe in the door, and then of course the whole foot!“

„Is the real task then to contaminate the neighbouring fields?“

P.S.:” That is the goal! There is no other reason for these trials.“

„Do the biotech-firms really believe that they can collect license fees forever if they contaminate all the fields of the world with their GM-seed?“

P.S.: No, but their objective is their contamination, and recently, Dale Adolphe, the chairman of the Canadian Seed Growers Association, which sells seeds from Monsanto, said: „ There is so much resistance worldwide against any further field trials of GM-technologically modified plants, that contamination is the only possibility to proceed with it.“

Another example about this practice of the biotech industry:

2005 soya plants have been tested throughout Romania: it was found that 90 % of the plants were genetically manipulated without the authorities being informed and without the knowledge of most of the farmers. Based on the lack of control the biotech industry has created an irreversible situation. Once contaminated – always contaminated!

Conclusion: The only way to ensure the right of self-determination of Indian people is to fully ban the use of GMOs agriculture in India and to stop immediately all running field trials of Bt-plants and all trials with further plants planned for 2008.

Section 2: „All people can freely dispose of their natural wealth- in no case may the basis for people’s livelihoods be taken away from them.“

Over thousands of years, farmers have been developing crop varieties based on millennia-old traditions and on cultivation methods practiced over many generations. These crop varieties are perfectly adapted to the regional conditions.

“Industrial agriculture has already eliminated 75% of our food crops. In India there once were 30.000 cultivated rice varieties, today there are only 10 varieties left that have some significance”. (*„GMO: No hope fort he hungry“ Greenpeace 1.10.2004*)

Farmer will become dependent from one industry: Monsanto. This is a modern example for a new form of slavery or colonialism:

„Monsanto agents bought up all seed companies, so that there were only Monsanto’s BT cotton seeds left on the market. Moreover, Monsanto middlemen bought conventional regional cotton

seeds from small farmers and destroyed them. Farmers used to be able to plant their conventional regional seeds several times. But Monsanto's GM seeds cannot be planted more than once. Farmers need to buy new seeds every year. Since GM BT cotton seeds are ten times more expensive than conventional seeds, farmers had and still have to borrow money and to incur debts" (Vadana Shiva, s. p. 7)

„The development of **terminator technology** is especially scandalous.

In more than 87 countries sterile seed has been registered for patenting, this means seeds which can be used just once. Next year new seeds must be bought again from agribusiness.

This is big business for industry, as they expect a jump in sales and growth. What is being neglected is that small scale farmers are unable to buy new seeds every year. Thus they become dependent and at the same time they are forced to take on debts without having a guarantee of getting a good yield. This development endangers the livelihoods of millions of – at least small scale – farmers" (*“Patente expropriation”, Marlies Olberz, Food First, p. 13*)

The livelihood of farming is being taken away by this praxis and by the **patenting of plants**.

But farmers are also **becoming dependent** on GM-industries **via patents**:

Big agribusiness is going to apply for patents of more and more plants, e.g. rice. This means that if farmers cultivate rice in the future, they must buy the seeds from Monsanto year for year (terminator seeds) and must pay royalties for licensing. Farmers in India created 200 sorts of original seeds in order to be independent. However, this would become illegal after patenting, leading to severe punishments.

Vandana Shiva, the alternative Nobel prize winner from India, known for her engagement against GMOs and for the independence of the Indian population, expresses her opinion clearly: “ This is a case of the enslaving of farmers”

(Biopiraterie mit Reis-Saatgut”, HYPERLINK "<http://www.dradio.de/>"www.dradio.de, 8.7.04)

6.) Violations of the Right to Work (Article 6)

Section 2: „The steps to be carried out by any State of the pact in order to realize the right includes... steps... to attain productive full employment while protecting the basic political & economic freedom of individuals”

The introduction of GMOs in food production and agriculture is in direct conflict with the basic freedom of people, as they are endangered through patents and the offer of terminator-seeds which increase their dependency on major agro-industrial companies .

Indian farmers are forced to enter into direct dependency on big agribusiness, a new and modern form of slavery or colonialism.

In order to secure the freedom, land, property and rights of farmers, we demand that the Indian government will protect the farmers from the interests of biotech industries like Monsanto and their methods to take control about the farmers, the seeds and the land. This is the only

possibility to secure the working conditions and political and economic basic freedoms of individuals.

7.) *Violation of children protection (Art. 10)*

Jean Ziegler writes in his report of the food-situation in India from summer 2005:

“Child labour persists and the Special Rapporteur was particularly concerned to receive reports of child labour on farms contracted to transnational corporations, such as cottonseed production in Andhra Pradesh, where young girls have been employed instead of men to reduce the cost of labour.” (p. 7).

Also an international report from gmwatch from June 2007 prescribes the children work :

“Monsanto and Bayer still behind child labour problems (11.6.2007)

NOTE: This follows on from the scandal exposed back in 2003 of around 17,000 children being used by Monsanto, and their Indian subsidiary Mahyco, in hazardous forms of child labour in cotton seed production in India.

Children were found to be working 13 hours a day for less than 40 Eurocents (Rs. 20) and were also found to be repeatedly being exposed to poisonous pesticides during their work. They were also getting no education.

More than 11,000 children were also found to be working under similar conditions for the following multinationals: Syngenta (Swiss), Advanta (Dutch-British) and Proagro (owned by Bayer from Germany).”

(HYPERLINK "<http://www.mindfully.org/Industry/2003/Monsanto-Unilever-Child-Labour17may03.htm>" <http://www.mindfully.org/Industry/2003/Monsanto-Unilever-Child-Labour17may03.htm>)

“Studies also showed that at the heart of the child labour problem was the very low amount these multinationals were paying farmers for cotton seed cultivation. The payments were so low that the farmers would make a net loss if they stopped using children and hired adults at the local minimum wage.”

(HYPERLINK "<http://www.gmwatch.org/archive2.asp?arcid=5998>" <http://www.gmwatch.org/archive2.asp?arcid=5998>)

“INDIA: Child labour still a problem in cottonseed industry, 8 June 2007

(HYPERLINK "<http://www.gmwatch.org/archive2.asp?arcid=5998>" <http://www.gmwatch.org/archive2.asp?arcid=5998>)

Multinational corporations still have much work to do to eliminate child labour from their cotton supply chains according to a new report released today.

The report, titled 'Seeds of Change,' singles out Bayer and Monsanto - the world's largest producers of cotton seeds - for failing to make sufficient interventions to eliminate child labour from farms producing cotton seeds in India.

Produced by The International Labor Rights Forum (ILRF) along with international partners including OECD Watch, India Committee of the Netherlands, Deutsche Welthungerhilfe and Eine Welt Netz NRW, the report concedes, however, that the number of children working in this sector has declined since the two companies launched an action plan to tackle the problem.

But it says their investments in education are failing to reach children who formerly worked on cotton farms, and that Monsanto and Bayer have also failed to address the issue of a fair procurement price for farmers, which is a major factor in the continuation of cheap child labour.”

8.) outlook to planned steps of government for 2008 - intensifying the named human right violations and the fatal situation of farmers in India:

The GM corporation Monsanto (with 91 % share of the world market "ruler" of the GM food-market – "Trojan seeds", J. M. Smith p. 15) is now also trying to introduce genetically modified rice onto the market, which has been prevented up to now by the resistance of many farmers and consumers. This would be the end for India's GM-free producing rice-farmers, whose emphasis is on the world-wide export of (GM-free) rice.

"Cotton is only the beginning"

Ten years after the commercialisation of gentechology started in the agricultural sector, we can say today that this technology is the one that got the fastest acceptance in agriculture, affirms Clive James ...

Already in the course of the coming year, the approval of the first GM food crop is expected: a variety of avocado that, more than anything else there ever was before, is immune against stress and pests. There are altogether 23 different kinds of crops currently pending in the various stages of the development and approval process. Apart from avocados, there are potatoes, papayas, rice and tomatoes at the very top of the list. And here we are no longer talking about simply producing in-built pesticides with foreign genes, but about completely different, new characteristics introduced: drought-resistant varieties are in demand, as the government is expecting that climate change will accelerate the advancement of steppe in many parts of India. And work is also being done on crops such as rice and vegetables."

(Text: F.A.Z., 07.11.2007, Nr. 259 / Seite N1)

„Indian farmers are adamantly opposed to introducing any more biotech crops, in the wake of the widespread cultivation of a genetically engineered cotton variety patented by Monsanto that has caused widespread crop failures, driving thousands of Indian cotton farmers into desperate poverty. " (Science Review Letter 5 Nr. 64 15.11.2006)

„India ignores disastrous US-rice-contamination"

In India, the pro-GE government, its regulators and companies such as Monsanto are preparing to start field trials of damaging GE crops next month. The decision ignores the will of farmers and traders and even the Indian Supreme court.

The decision also threatens the Indian basmati rice industry, which is committed to remaining GE free. Many of the planned GE field trials will take place right next to where basmati is grown ... If their rice gets contaminated, it is Indian farmers, traders and millers whose livelihoods could be destroyed.

USA: contamination came from field trials

The contamination was the result of experimental trials, which ended in 2001 – five years before the contamination was discovered ... India, an even bigger rice exporter than the US, is the new battleground for GE crops. The Indian government is preparing to start field trials next month. ... to the disaster, which has destroyed the livelihoods of thousands of people from growers to producers to sellers ... If their rice gets contaminated, it is Indian farmers, traders and millers, whose livelihoods could be destroyed. India and the rest of the world must learn the lessons from the US disaster. "

("<http://www.gmwatrch.org>" www.gmwatch.org 6/11/2007 Costs of GM rice-scandal could exceed 1,2 billion USD)

"India's rice industry warns against GE trials

NEW DELHI (Reuters) - India's top rice exporters and farmers unions warned the government on

Tuesday that further field trials of genetically engineered (GE) rice could jeopardise the livelihoods of millions of poor farmers across the country.

The warning came just over a week after the European Union decided to compulsorily test all U.S. shipments of long-grain rice. That followed a discovery that U.S. imports to Europe were contaminated with genetically modified (GMO) rice....

India has carried out field trials of mostly short-grain rice at 10 different sites across the country since 2005, but the Supreme Court last month suspended fresh tests on all crops until a further court hearing.

Previous trials show no signs of GM seeds infecting rice exports.

But importers and farmers fear the risk of contamination through mixing of seeds during storage or in transportation could affect consumer confidence and India's reputation as a "clean and reliable" rice exporter.

"Indian rice is GM-free and we want to keep it that way," said R.S. Seshadri, director of Tilda Riceland and a member of the All-India Rice Exporters Association (AIREA) -- which represents exporters like Satnam Overseas, Sunstar, Kohinoor.

"We are asking them not to do further testing ... we need to review guidelines and enforce stricter standards in light of what has happened in the U.S.," he told a news conference.

India is the largest producer and exporter of Basmati rice -- a long-grain rice prized for its characteristic subtle aroma and delicious taste -- and exported 1.15 million tonnes, generating 30.3 billion rupees in the 2005/6 financial year.

Although most of the tests were on short-grain rice, farmers say many were not informed that field trials were taking place near their own rice paddys. If contamination occurs in exported stocks, buyers in Europe and Middle Eastern countries might ban Indian products, unions say.

"The GM-testing happening in this country is a dirty joke which is being played on us," said Yudhvir Singh, a senior official from the Bharatiya Kisan Union, a union representing hundreds of thousands of farmers across India.

"We run the risk of hundreds of thousands of farmers losing their livelihoods if bans are imposed or we lose consumer confidence in products."

(Reuters, October 31 2006 [HYPERLINK](http://in.today.reuters.com/news/newsArticle.aspx?type=businessNews&storyID=2006-10-31T191119Z_01_NOOTR_RTRJONC_0_India-274412-1.xml)

["http://in.today.reuters.com/news/newsArticle.aspx?type=businessNews&storyID=2006-10-31T191119Z_01_NOOTR_RTRJONC_0_India-274412-1.xml"](http://in.today.reuters.com/news/newsArticle.aspx?type=businessNews&storyID=2006-10-31T191119Z_01_NOOTR_RTRJONC_0_India-274412-1.xml)

[http://in.today.reuters.com/news/newsArticle.aspx?type=businessNews&storyID=2006-10-31T191119Z_01_NOOTR_RTRJONC_0_India-274412-1.xml\)](http://in.today.reuters.com/news/newsArticle.aspx?type=businessNews&storyID=2006-10-31T191119Z_01_NOOTR_RTRJONC_0_India-274412-1.xml)

"GM trial plots have become the biggest source of contamination all over the world and regular scandals about untested and uncleared [by regulation] products entering the consumption chain have become routine now. Recent scandals include GM rice contamination in the US and China. India also witnessed several contamination scandals in connection with GM crop trials including the illegal proliferation of Bt Cotton much before the regulatory authorities allowed its cultivation. Civil society investigations have pointed out again and again that material including seed material is allowed to get into the supply chain due to lax or even absent monitoring of trials by the regulators.

Mr Gurnam Singh, President, Haryana unit of Bhartiya Kissan Union stressed that given the economic and trade potential of Basmati rice from this belt, it is disastrous for GM rice trials to be conducted, that too secretly."

("BKU destroys GM rice trial in India" 29. Okt. 2006, [HYPERLINK "http://www.gmwatch.org"](http://www.gmwatch.org)
www.gmwatch.org)

9.) Steps for ensuring Rights of farmers and their families:

"India is party to the International Covenant on Economic, Social and Cultural Rights, the main international instrument protecting the right to food. ... The Government of India is obliged to ensure the right to food of all Indians.

.. The right to food is the right to be able to feed oneself through physical and economic access to food. participation, accountability, .. and access to effective remedies must be ensured at all levels of the implementation of the right to food. The Government of India has the obligation to respect, protect and fulfill the right to food.

- The obligation to respect means that the Government should not take actions that arbitrarily deprive people of their right to food.
- The obligation to protect means that the Government should enforce appropriate laws to prevent third parties, including powerful people and corporations, from violating the right to food of others.
- Finally, the obligation to fulfill (facilitate and provide) means that the Government should take positive steps to identify vulnerable groups ... to ensure their access to adequate food and water by facilitating their ability to feed themselves.”
(J. Ziegler in his report of the right to food in India, Summer 2005, p. 9)

J. Ziegler mentions also:

- Article 47 of the Indian Constitution, “The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties”,
- Article 21 of the Indian Constitution “ .. right to live guaranteed in any civilized society implies the right to food, water, decent environment, ...” including “the right to live with human dignity ...”

“So the State has also a constitutional obligation to take steps to ensure a dignified life to all individuals.” (J. Ziegler in his report of the right to food in India, Summer 2005, p. 10).
He also mentioned in his report about just existing laws in India: “many laws protect access to resources”. So India must be enforced to fulfill his duties of his own constitution and laws!

So all this obligations can be guaranteed by taking the following measures:

- Prohibition of GMO in the area of agriculture in India
- Immediately stop of all just working and planned field trials with gm-crops
- Full responsibility of the GM-industry for all consequences
- Full compensation of the GM-industry for all losses of farmers as a direct follow of seeding gm-plants or contamination as follow of field-trials - implementation of liability through agro-industries for all damages
- A prohibition of any use of GMO for food and feed until the potential risks are proven to not exist for eco-social consequences using long term research
- prove that member of commissions and decision groups are independent from GM-industrie and include NGO´s into commissions
- guarantee the transparency of decisions
- ensuring and protecting the interests of farmers and consumers in direction of sustainable agriculture and food production against the interests of lobbies from GMO-industries

- Amendment of patent laws in favour of the rights of farmers
- Implementation of existing laws for the protection of farmers

Summarizing it becomes clear, that the government of India has not fulfilled its duties to follow national laws and constitution as well as the corresponding duties on the international level. For the Indian population this means an existential and irreversible threat of its health and food security. Life of many individuals is endangered because of the inactivity of the government leading potentially to total loss and death of many thousand of Indians.

We are demanding from the Indian government to guarantee the fulfilling of the rights of international pact for all Indian people and to stop all steps working against the people and for industry.

We are therefore asking the committee to clearly express its concerns and to urgently act in such a way that the violations of human rights for farmers in India can be stopped immediately for protecting Indian families from further suicides and hunger.

Answer of the UN-committee:

Press release 20.05.08

UN-committee for human rights criticizes GVO in agriculture

Great success against GM in agriculture:

UN-committee for human rights criticises the use of GM in agriculture and demands urgent measures to protect farmers from dependency on multinational corporations.

The UN-committee for human rights has today – after a three-week-session – published in Internet the concluding observations – the demand to the indian government to stop immediately violations of human rights in India.

First time worldwide has been criticised the implementation of GM in agricultur as human right violation and a government has been asked to protect farmers for dependency on multinational corporations and to protect access to the old seeds.

Here the exactly text, the full notice you find on the webside of the committee:

29) The Committee is deeply concerned that the extreme hardship being experienced by farmers has led to an increasing incidence of suicides by farmers over the past decade. The Committee is particularly concerned that the extreme poverty among small-hold farmers caused by the lack of land, access to credit and adequate rural infrastructures, has been exacerbated by the introduction of genetically modified seeds by multinational corporations and the ensuing escalation of prices of seeds, fertilisers and pesticides, particularly in the cotton industry.

69) The Committee urges the State party, in addition to the full implementation of the planned farmer debt waiver programme, to take all necessary measures to address the extreme poverty among small-holding farmers and to increase agricultural productivity as a matter of priority, by inter alia: developing the rural infrastuctures including irrigation as part of the forms of assistance to families of suicide victims; ensuring that the existing agricultural insurance schemes, including the Crop Insurance Scheme and the Calamity Relief Fund, are fully implemented and are accessible to all farmers; providing state subsidies to enable farmers to purchase generic seeds which they are able to re-use, with a view to eliminating their dependency on multinational corporations. The Committee also recommends the State party to review the Seed Bill (2004) in light of its obligation under the Covenant and draw the attention of the State party to para. 19 of the Committee's General Somment No. 12 on the right to adequate food (1999).

Here the Links to the webside of the UN and the concludingings:

<http://www2.ohchr.org/english/bodies/cescr/cescrs40.htm>

[http://www.unog.ch/unog/website/news_media.nsf/\(httpNewsByWear_en\)/F78BO77F459C8D31C12574440051A158?OpenDocument](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByWear_en)/F78BO77F459C8D31C12574440051A158?OpenDocument)

Brasilia march 2009 with Antonio Andrioli

Parallel report to the second state report of Brazil on the implementation of the International Pact on economic, social and cultural rights

Social Human Rights in Brazil

Violations of Human Rights - the right to food – at the brazil farmers

Presented by Dr. Antonio Andrioli, Via Campesina Brazil

Contact:

Dr. Antonio Andrioli
Rua São Francisco 600 Apto. 402
CEP 98700-000 Ijuí – RS (Brazil)
Phone: +55 55 9618 4832

Via Campesina Brazil
SDS, Qd 6, BI A, Edificio Carioca, sala 311
CEP 70325-900 - Brasilia – DF (Brazil)
Phone: +55 61 33225424

Christiane Lüst, Aktion GEN-Klage
Berengariastr. 5, 82131 Gauting, W-Germany
Phone: 0049 89 893 11 054

March 20, 2009

The information given in this report focuses on the consequences of a highly perturbing global development, the use of genetically modified organisms (GMOs) in the area of agriculture, which in Brazil has now brought the effect that 25 % of the people are suffering from hunger and since introduction there is a dramatic increase of landlessness and damages of health. Also the contamination of natural resources like water and soil is increasing so that the small farmers can not use these anymore. This development seriously violates the economic, social and cultural rights of brazil farmers.

Brazil in particular is one of the most affected countries worldwide by this development. It is the world's largest producer of soya, and approximately 60 % from this is just now GM soya.

Brazil is a country which has made great strides in economic growth in the last years. However, the rural economy has undergone a serious decline. The introduction of GMOs - especially GM soya - has also brought a dramatic increase of many negative consequences, particularly for the poor and the people in agriculture. Increasing rates of export and a great increase of big business investing in Brazil has also brought an increase of poverty and dependency of farmers on corporate seed supply.

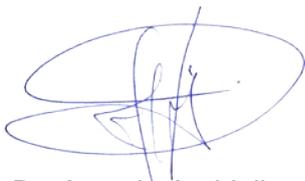
We are very concerned about this pervasive crisis caused by further planned steps of the government to enlarge GMOs on a large scale and increase the profit.

As one consequence of this development of GMOs, the rights of the people to self determination, the right to food, the right to health, are already being massively infringed in Brazil.

That's why we are urging the government of Brazil

- to forbid GMOs in the area of agriculture in Brazil by law
- to stop immediately further deforesting the primeval forests for planting GM soya
- to secure the access to food, clean water and health also for the poorest people with immediate measures
- to secure the access to the old seeds – GM free und reusable every year without further costs
- to secure the ownership of land for the little farmers and Indian people
- to secure the possibility for the poor people to farm without GM contamination from neighborhood and without chemical contamination from air and water as a consequence of the herbicide sprayers of the GMO plantations.

We are requesting the committee on economic, social and cultural rights to present its concerns about the violations of economic, social and cultural rights caused by the use of GM soya in Brazil and to formulate recommendations to the Government of Brazil on how to end these violations.



Dr. Antonio Andrioli
FIDENE/Unijuí



Marina dos Santos, Justina Cima, Gilberto Cervinski, Maria José da Costa
Via Campesina Brazil

List of contents:

1. Introduction
2. Situation in Brazil – reasons for the violations of human right
3. Violation of the Right to Food (Art. 11)
4. Violations of the Right to Health (Art. 12)
5. Violations of the Right of people to Self-determination (Art. 1)
6. Steps in order to ensure the rights of farmers and consumers

1. Introduction

Brazil is the largest producer of Soya in the world and the country with the most expansion of GM seeds worldwide.

Brazil – with a part of 21 % of agricultural land - and Paraguay are now – after smuggled-in GM seeds from Argentine - the countries with the most expansion of GM soya. Brazil has since 2005 not only allowed the GM soya, but also the legal cultivation of insect resistant BT-cotton Bollgard, which now stands for 20 % of the whole cotton production in the country.

In 2003, Soya with 51 millions tons export has been the largest export product of Brazil, and the first time the country produces more Soya than USA. Brazil reached an increase of yearly 27.5 %; Brazils export profits increased 2,9 % every year. The export of soya brought the country 8 billions US Dollar in 2003.

„About 55 % of agricultural land with GM plants are in the USA, further 30 % takes Argentine and Brazil. For that reason GM soya is with 60 % of the worldwide GM plants the most important GM plant in the world. In USA until now 89 % of all soya cultivation is planted with GM soya, in Argentine we have already 98 %!

But in Brazil the situation is another one: GM soya became legal just since 2005, but exhibits highly increasing rates.” (Top-Agrar 9 / 2006).

In 2004 the Brazil agro-industry increased with 5.3 % - this is the highest increasing rate since the rate of growth starting in 1992. According to the former minister of agriculture, R. Rodrigues, Soya exports now constitute 26 % of Brazil's exports and 32 % of the agricultural national product. The soya crop took 49.2 million tons – planted on 21.5 million hectares for this year a complete crop of more than 63 million tons on 22,9 million hectares is aimed at the part of GM

soya will be 12 million tons in 2005 – so the prognoses. This is three times as much as last year and represents 20 % of the whole awaited crop.

In Rio Grande do Sul, the most south state of Brazil, 95 % of the land is used for planting GM soya.

Monsanto owns 90% of the patent rights of all GM Seeds existing on the market. According to Monsanto, the complete sale of this GM company in Brazil brings 750 million US Dollar every year.

The use of GM in agriculture speeds up the ruin of little farmers, increasing the dependency of inputs and damages the natural resources as a consequence of this development. The farmers produce more and more for the market and the export and reduce with this development the production for their own livelihood. Intensifying the exports in agriculture brings with great probability an increasing damage of nature and destroys the livelihoods of the farmers.

The use of GMO reduces the chances of little farmers, because they have only very little capacities for investments hindering them to participate in technical progress.

Today, the soya production contributes 21 % to the financing of the brazil budget. The export of Soya brought Brazil important foreign exchanges reducing their foreign debts.

Deforesting, increase of use of herbicides, destruction of livelihoods of Indian people and little farmers, concentration of farming-land, slave-work, rural exodus and the increase of poor people in agriculture are only some of the negative consequences which are showing another side of the soya-monoculture.

This tendency resulted just in many thousand of human right violations in the areas of food, health and self-determination in Brazil leading to the destruction of farmer's livelihoods.

We sincerely hope that the committee for economic, social and cultural rights is able and willing to stop immediately further landlessness and hunger and help out in order to support people's rights which are written down in the International Pact of economic, social and cultural rights.

2. Situation in Brazil – reasons for the violations of human right:

How many people are concerned in Brazil?

Brazil is the fifth largest country on Earth and takes 47 % of the South American continent.

In Brazil about 83 % of the 186 million inhabitants are living in the cities. In the cities the rate of growth takes every year 3 % of people going to city and leaving their land.

2.8 % of the farmers have together 57 % of the agriculture land and over 90 % have to share 22 % of the usable land. 5 million people are without any land.

10.4 % of the economy takes part by agriculture, exports bring 109 billions US dollar and have grown every year by about 100 %, imports bring 80 billions. The poverty rate has been 22 % in year 2004, the rate of people without work 9.5 %.

The economy grows annually 4.2 % (2007 Brazil Wikipedia). The Brazil economy is the most powerful in South America, the most important export products are coffee, tropical fruits, soya beans and sugar.

In the Brazil agriculture most of the people are working on the great plantations under conditions similar to slavery. ([www.Brazil wikipedia.de](http://www.Brazil.wikipedia.de)) - 25 % of the people are hungry ("We feed the world"), corresponding to 40 million people.

55 % of the little farmers are working in the production of soya beans.

Reasons for human right violations in Brazil:

Brazil in particular is one of the most affected countries worldwide by human right violations. It is one of the world's largest producer of genetically modified agricultural products, the large-scale cultivation of GM soya.

The "agriculture is experiencing corporate take-over. This means: farmers are losing their millennia-old knowledge and their skills in dealing with the earth and the biological diversity. Here ... we are witnessing one of the worst human tragedies ... (*Deutsche Welle „Grüne Gentechnik – Fluch oder Segen? Jan. 2005*).

„Total phasing of global agriculture is the goal of the two giants in the business, Pioneer and Monsanto. After taking over the main competitors, the two now represent the only Global Players in the business. The two corporations have divided up the market among themselves. ... Today 90% of GM seeds marketed worldwide are produced and sold by Monsanto. Monsanto's second important pillar is patenting, especially of staple foods that have been cultivated on earth for millennia. This sort of activity is called bio-piracy." (*We feed the world S. 39*)

"The market leaders in the seed industry, Pioneer Hi-Bred and Monsanto, have in the last years deprived many people of their material as well as of their physical existence." (*We feed the world S.- 52*)

3. Violations of the right to an adequate standard of living, including food, and the right to be free from hunger (Article 11)

This right is no longer ensured for most farmers in Brazil. The poverty rate is increasing, 25 % of the people are hungry, and this number is growing every year.

A reason endangering these rights is the threat of dependency of farmers on big agribusiness, which is acting quite unreasonably using false promises: "Monsanto told the farmers at that time that there would be larger harvests, that everything would be more nutritious and that we would need fewer chemicals!" (P. Schmeiser, Canadian farmer, in "Danger Genetic Engineering" ed. M. Grössler, p. 194)

Now we have the following situation:

Dependency from GM companies

Hoping to make weed killing easier and more cheaper with the use of herbicides and to reduce work with a concomitant increase of the profit, more and more herbicide-resistant soya is used.

Because the GM seeds are patented as property of GM companies and the subsequent contamination is hindering a normal production, the dependency of farmers is complete. The legality of patent rights for growers opened the way for controlling the seed-chemical-market for the great chemical companies.

The companies aim is to industrialize the agriculture for intensify the dependency of farmers from chemicals. With the help of GMO they try to develop plants raising the profits by selling chemical products. The new seeds shall be introduced mainly for farmers in developing countries by means of attractive offers they could not refuse and for prizes they could not pay.

To implement GMOs without any way back in Latin-American agriculture they started with the tactic contaminating more and more fields with smuggled-in seeds. The livelihood of little farmers as individual producers will be more complicated about the use of GM in agriculture enforcing them to follow the strategy of the agrarian companies. This intensifies the dependency, indebtedness and impoverishment of little farmers, increases the concentration of land by excluding them more and more from the process of production, accelerating the rural exodus and raising the number of people without land and work – a tendency strongly contributing to the growing dissimilarity in Brazil.

Farmers, which produce in Brazil on little agriculture lands, are heavily affected by this development of expansion of GM plants. Adapting to this new technology – making them more dependent from GM companies, offering resistance they have the risk of being contaminated from their neighbors making it impossible for them to produce further normal sorts of plants. Once contaminated – always contaminated – there is no way back, never. The privatization of natural resources and knowledge in favor of multinational agriculture corporations and big landowner intensifies the social dissimilarity. Regarding the working capital, credits will be monopolized more and more and the self-working farmers experience more and more pressure to compete about their survival. The agriculture of little family-farms has the tendency of adaption, because of the said facilitation and save of work and will be destroyed by it.

The production of soya displaces more and more the little farmers, and this is now the reality which is most dramatic in the whole Latin-American continent. The Agro GM enforces the extinction of the little farmers caused by the increasing dependency from inputs and as a consequence of the destruction of natural resources

Higher costs, more poison and less outputs

The use of GM soya is threatened by increasing costs caused of adding patent fees, and just now one is about to find out that GM soya is less productive by 5 to 10 % than conventional sorts.

The costs of GM seeds are average 40 % higher than for conventional seeds. The prize fluctuates between 30 and 60 dollars per 40 kg, while the prize for conventional seed varies by 12 dollar per 40 kg.

In Brazil are used 25 % of the agrarian poisons in soya production worldwide. This means in the year 2002 an equivalent of 50000 tons of pesticides, a yearly increase of the pesticide use of 22 % in connection with the increase of the soya-cultivated land.

The use of pesticides increased by 47.6 % in Rio Grande do Sul since 1999.

Has the use of herbicides 1996 been smaller is it now since 2001 even higher than by use of conventional soya-beans ... will be sprayed on average 11 % more than at conventional soya-beans, and sometimes that increased to more than 30 %.

Furthermore, the conventional soya beans bring in Brazil in average 4 % higher prizes, sometimes even until 10 %.

Studies and the experience now show that the productivity of GM soya is in average 2 to 8 % lower than with conventional soya. Conventional soya brought higher profits by 5 – 22 %. Also in Brazil the profit of conventional soya is higher.

There are conventional sorts being much more productive than genetically changed ones. This experience is the same all over the world: The sorts are not adaptable to changing soil and climate conditions. The genetically changed plants showed a lower ability of germination, a premature blossom and a lower growth leading to a reduced yield compared with conventional sorts.

The promises of industry – more profit and more income for the farmers – has not been verified - on the contrary. Farmers - having been enforced to change by contamination or having believed the promises – have even lost their land in many cases, because they could not pay back their debts for the expensive seed and the multiplied pesticides.

Exports instead of self supply

The exports have quintupled in five years. Brazil is greatest exporter of soya and one of the richest agrarian countries of the world.

The farmers are producing more and more for the market. This is why they reduce their self-supply. The production for their own supply will be more and more replaced by production for the market, the intensifying of the export-orientated agriculture brings with great probability an increasing destruction of nature and an extermination of little farms. The land for the own cultivation will be reduced. Jungle will be deforested in great amount for winning new land for

cultivation. Jungle inhabitants and little farmers often will be driven off with violence from their land or murdered by the guerrilla of the great landowners for winning further land for cultivation.

In most cases there is no compensation, return etc., because only in some cases and often only with international help of human right organizations like FIAN and other legal steps can be taken to get it back – but also most of them will be won from the great landowners, often are the same people working in the justice the great landowner - for example the Governor of Mato Grosso is the biggest soya producer there. (We feed the world)

GM plants make own-cultivation impossible and poison the drinking water

Caused by contamination from the GM cultivation the neighbor fields of whole regions will be useless for own-cultivation. Per example Canada has been after implementation of GM rape after 10 years completely contaminated. Just like in honey production, a cultivation of GM free rape and different sorts of vegetables is not possible any more. A contamination of genetic resources is irrevocable for all times.

The herbicide sprayings – in most cases from planes – contaminate also the near fields and – illages, leading to serious damages of health for humans and animals (look also page 13 / 14) and destroy all other plants.

„In the countryside the consequences of soya beans monoculture have been much more disastrous. The traditional agricultural communities near the large soya beans plantations are heavily affected ... the farmers – after long-term cultivation of different vegetables for their own use - found the whole yield destroyed after the neighboring fields have been sprayed ... a pesticide which damages all plants out of the special GM Monsanto plant, which are “pesticide-resistant”. A study from 2003 shows that the spraying has not only destroyed their fields. Their chicken died and other animals like horses have been damaged.“(ZEIT-Fragen Nr. 43 v. 31.10.05 „Kann es in einer Welt mit „Gen-Food“ Frieden geben?“ v. F. W. Engdahl)

This is why the own-cultivation of vegetables etc. is no more possible in the vicinity of GM soya fields, also domestic and farm animals are violated. Another point is the poisoning of the water. But the people are dependent on drinking water, have to drink this contaminated dirty water – because there is no other – and suffer from fever etc.

(We feed the world).

This proves that the future of agriculture is clearly to be found in organic farming and not in the cultivation of genetically engineered plants. The Brazil Government should therefore immediately stop the use of GM seeds in order to ensure the livelihoods of its farmers and to prevent a further spread of the cultivation of GMOs.

Article 11 (2):

a)“in order to increase the methods for the production, durability and distribution of food with the full aid of technical and scientific knowledge ... as well as by the development or reform of agricultural systems... with the aim of maximum production and use of natural sources”

Since 1999 the strategy of implementation of RR Soya in Brazil has been intensified. The corporation Monsanto tried to get accepted. Under the Brazil constitution GM plants can be made only redundant if studies and reports about the consequences for the environment are existing, which shows exactly that damages to nature are out of any question. A proof of environmental compatibility, however, has not been presented until now, and from the legal point of view the cultivation of RR-Soya is further controversial. The release of GM soya violates "the constitution and three principles of the environmental right – namely provision, sustainability and liability for damages."

In addition to this since many years the jungle is deforested for new soya-cultivation-fields – just until now an area like France and Portugal together. But the soil is unusable for soya-cultivation, nutrients etc. must be added by man. This withdraws the livelihoods of the Indian forest-people, they have only the possibility to go as landless people in the slums of the large cities. The World Bank finances the road constructions for further deforesting of jungle and for soya production. („We feed the world“). This destroys the use of natural resources and the livelihood for the inhabitants in favor of profits for some big agrarian corporations.

In summary, GMOs are not the right method to increase the situation of agriculture and food security in the world, and they destroy natural sources and minimize the harvests. "A lie in the propaganda of the GMO industry was unmasked: it is not true that GMOs need less pesticides but the truth is that GMOs need more pesticides year by year". (*"More pesticides are sprayed over GMO", scientific study by Benbrook in Ökologo 1/2004, p.2*). An increase of 50-60 % is found (*"Uneconomical in the long run" by Klaus Faissner in "Danger Genetic Engineering", p.234*).

b) „in order to ensure a corresponding fair distribution of food in the world considering the problems of the exporting and importing countries“.

As already stated, the Brazilian government forces more and more the export damaging more and more the possibility of Brazil people for own-supply (see last chapter). Brazil is one of the richest agro-countries in the world – nevertheless 25 % of the people are hungry - 40 millions of people – with further increasing rates.

The huge and strongly increasing profits will be used for covering the foreign debts or go to Monsanto and GM corporations or the big landowners and not to the people. On the contrary: More export, more income – more hunger and landless people. International organizations like the World Bank are supporting this policy.

Europe is importing 90 % of his soya from overseas, 40 % from this comes from Brazil. We use Soya more and more for feeding our animals – and in Brazil the people are suffering hunger more and more – more soya exports – more hunger.

Our own maize and wheat is not used for our own food or feeding our animals, but more and more will be burned for geothermal energy – and our areas lie fallow subsidized by the EU. Our own agricultural farms became dramatically less and less every year - own cultivation becomes unprofitable when faced with the strongly increasing quantities of cheaper imports. The taxpayer has to pay the consequential costs – for increasing unemployment, etc.

This system of distribution damages the livelihoods of farmers worldwide. The only winners are also here in Europe the big GM corporations. If in every country the people could produce for their own use and for the supply of their country – all people would be the winner.

Moreover, in Brazil the failed policy of GM soya is a further theme, because with the advantage of GM free soya Brazil has conquered the market, which Argentine and USA loosed by the use of GM. From 1995 to 1999 Brazil raised his soya exports to Europe from 3 million tons to 5.6 million tons. Brazil is the only soya producing country being still able to offer GM free soya. Brazil is the most important player in this game, because we are the biggest producer of GM free soya seeds. If we also are starting the cultivation of GM soya Europe, China and Japan has no more the possibility to buy GM free soya.

As the brazil soya exports increase, the share of exports in Argentine and USA will decrease. The majority of consumers refuses GM soya. In Europe 70 % of consumers do not accept GM food, and also in Brazil the public opinion is the same.

For this reason the brazil government can only win forbidding GM soya and enforcing GM free soya – this secures a long-term income.

„Genetic engineering fighting against the hunger in the world”

Jean Ziegler says:

Our world produces so much food that we could feed the double of people living on it – twelve billions. The problem is not that we have not enough for feeding all people, the problem is the right distribution of it, so that all would have enough.

“It is grotesque to identify agro industries which apply GMOs with all the mentioned problems as being able “to solve the problem of hunger”, when they are creating hunger, destroying soils, polluting ecosystems and monopolizing power.” („GM plants do not fulfill expectations“, Andreas Bauer, *Umweltnachrichten* 100 / 2004, p. 24)

The world’s population could be fed quite well without hunger if the distribution of food was carried out together with efforts to maintain or enhance fertility of soils and to maintain biodiversity. Thus, GMOs in food production and agriculture do not contribute towards solving the problem of hunger, they are intensifying it.

Developing countries have found out that “GMOs are destroying biodiversity that has been developed during the last thousands of years. Therefore GMOs also destroy the ability of the people to feed themselves. Development policy organizations like “Christian Aid” or “Brot für die Welt” consider GMOs and the so called “green GM technology” as being contra-productive and responsible for increasing hunger and poverty. ...

The first experiences in Argentina, Brazil, India, Canada, Panama and other countries show exactly this development. GMOs do produce hunger.

In summary: in order to ensure food security in the world, we must improve the eco-social conditions based on common eco-social standards in connection with the “eco-social market economy”. Any short term increase of yields using purely technical means at the expense of the environment and humans is seen as the wrong way. Economy is based on nature, a destroyed ecosystem will not feed future generations. Sustainable ensuring the food supply therefore needs an agriculture which maintains nature in its carrying capacity: fertile soil, clean water and air and

a great regional biodiversity.” (HYPERLINK ["http://www.greenpeace.de/themen/gentechnik/"](http://www.greenpeace.de/themen/gentechnik/)["www.greenpeace.de/themen/gentechnik/"](http://www.greenpeace.de/themen/gentechnik/), „GMO – no hope for the hungry“ from October 1st, 2004).

In order to improve methods of productions, distribution of food and better use of natural resources, we are demanding that the brazil government forbids the use of GMOs and becomes active to disseminate the fact that GMOs in food production and agriculture are not solving the problem of hunger, as only a fair distribution of food together with efforts to enhance fertility of soil and biodiversity will contribute towards solving this global problem.

4. Violations of the Right to Health (Art. 12)

For soya-cultivation mainly the herbicide Glyphosat is used.

More chemicals meant more costs for farmers, much more profits for chemical companies and significantly higher damages for the environment and the farmers' health. Müller demonstrates toxicity with an example: “In 38% of cases where sprayings have been applied farmers suffer from symptoms such as muscle cramps or nausea. In 6% of cases, sprayings lead to severe poisonings, and in 10% of cases, poisonings emerge with neurotoxic symptoms.” (Gourmet report 11.12.2007)

Since the beginning of the nineties Roundup is used as herbicide in Brazil. The rural population in the areas of GM cultivation suffers from severe damages of health. The herbicide is sprayed by plane and is spreading also over some hundred of meters outside of the cultivation areas. The US environmental-care bureau EPA quoted the following damages of health: as short-time effects pulmonary accumulations and acceleration of breathing, as long-time effects “damages of kidneys and consequences for reproduction. Doctor J. Kaczewer evaluates since some years the health-damaging consequences of Glyphosat: itching of skin and eyes, nausea and dizzy spells, lung edema, decreasing blood pressure, allergic reactions, abdominal pains, highly loss of liquidity in the area of stomach-bowel, vomiting, faint, damage of red blood particles, damages of kidneys and fail of kidneys.

In the meantime the herbicides more and more will be sprayed by ground-machines, but the poor farm hands, which have no money for shoes and gloves, are further exposed to this poison without protection.

A Study of 2003 shows that the spraying not only damaged their fields.

“Their chicken died and other animals like horses suffered losses. The people suffered under heavy nausea, diarrhea, vomiting and injuries of skin, caused by the sprayed herbicides. It is reported that animals living in the near of the GM soya fields, have been born with deformities. It was reported about deformed bananas and sweet-potatoes, and lakes which suddenly were full of dead fishes. Farmer families reported having discovered strange spots on the body of their children after the spraying of the near soya fields”. (ZEIT-Fragen Nr. 43 v. 31.10.05 „Kann es in einer Welt mit „Gen-Food“ Frieden geben?“ v. F. W. Engdahl)

In Brazil scientists found in 74 % of specimens up to 14 mg herbicide residues in one kilogram of GM soya, lying far about the limited value, prescribed in the Brazil plant-protection-legislation. This herbicide became the most important perpetrator of intoxications in Brazil with alone 11,2 % of the whole cases of poisoning between 1996 and 2002. The Brazil Institute for environment and renewable resources IBAMA published, that the sale of the active substance Glyphosat is increased in Rio Grande do Sul between 1998 and 2001 (the time of implementation of GM soya) from 3,85 tons to 9,13 tons. The officially registered cases of poisoning increased between 1999 and 2002 from 31 to 119, published by the toxicological centre for information (IBAMA 2003).

A new French study of the university Caen shows now that residues of Glyphosat, which can be found at the most GM food and GM animal-food being on the market, are harmful for human cells and can even be mortal – also in very low quantities. “Despite a 100.000fold dilution the insert resulted in a complete death of cells in 24 hours, blocked the vesicular breathing and caused DNA-damages.” (Global 2000, 14.01.09)

These facts further show that the use of GMO plants like genetically modified soya brings about violations of the human right to health - and should be immediately stopped by government.

5. Violation of people’s right to self-determination (Art. 1)

Section 1: “All People have the right to self-determination”

“With the introduction of genetic engineering farmers have lost any form of self-determination. Their land has been ... contaminated – with all the negative consequences: destroyed harvests, destroyed lives.” ([HYPERLINK "http://www.thiele-und-thiele-consult.de/press"](http://www.thiele-und-thiele-consult.de/press) www.thiele-und-thiele-consult.de/press *Fakten der Agro Gentechnik* 15.11.2006)

Experts speak about „economic imperialism by multinational corporations“ (*bio.-scope.org* v. 16.04.02) “These are signs of a food dictatorship” (V. Shiva in “*Gefahr Gentechnik*” p. 231)

“To be free of GMOs is an expression of our fundamental right to free food choice”
(Vandana Shiva in „*Gefahr Gentechnik*“ p. 231).

To get GMO accepted as a practical constraint in agriculture they started the tactic to contaminate fields with smuggled-in seed. The most effective tactic is the worldwide slow pollution with GM0.

An example about this practice of the biotech industry:
2005 soya plants have been tested throughout Romania: it was found that 90 % of the plants were genetically manipulated without the authorities being informed and without the knowledge of the majority of the farmers. Based on the lack of control the biotech industry has created an irreversible situation. Once contaminated – always contaminated!

In this sense the strategy of Monsanto will be specifically accepted, and it takes the following steps: to choose an area and awaiting contamination (in this case Argentina as the starting point in Latin America).

Also in Mexico they did so ... specific contamination from a neighbor countryside, giving GM seed as a present to the uninformed farmers etc. ... and now they have GM maize everywhere, and their own old and adapted maize sorts – the richness of Mexico: the great variety of maize-sorts – are - without knowledge and consent – just damaged to the greatest extent. This to the tactic from Monsanto making facts worldwide – also in Europe about contamination in outside-research.

Conclusion: The only way to ensure the right of self-determination of the Brazilian people is to fully ban the use of GMO agriculture in Brazil.

Section 2: „All people can freely dispose of their natural wealth - in no case may the basis for people's livelihoods be taken away from them.“

Over thousands of years, farmers have been developing crop varieties based on millennia-old traditions and on cultivation methods practiced over many generations. These crop varieties are perfectly adapted to the regional conditions.

“Industrial agriculture has already eliminated 75% of our food crops. In India there once were 30.000 cultivated rice varieties, today there are only 10 varieties left that have some significance”.
(„GMO: No hope for the hungry“ Greenpeace 1.10.2004)

Farmer will become dependent from one industry: Monsanto. This is a modern example for a new form of slavery or colonialism.

„The development of **terminator technology** is especially scandalous.

In more than 87 countries sterile seed has been registered for patenting. These are seeds which can be used just once. Next year new seeds must be bought again from agribusiness.

This is big business for industry, as they expect a jump in sales and growth. What is being neglected is that small scale farmers are unable to buy new seeds every year. Thus, they become dependent and at the same time they are forced to take on debts without having a guarantee of getting a good yield. This development endangers the livelihoods of millions of – at least small scale – farmers” (*“Patent expropriation “, Marlies Olberz, Food First, p. 13)*

The livelihood of farming is being taken away by this praxis and by the **patenting of plants**.

But farmers are also **becoming dependent** on GM industries **via patents**:

Big agribusiness is going to apply for patents of more and more plants, e.g. rice. This means that if farmers cultivate rice in the future, they must buy the seeds from Monsanto every year (terminator seeds) and must pay license fees. Farmers in India created 200 sorts of original seeds in order to be independent. However, this would become illegal after patenting, leading to severe punishments.

Vandana Shiva, the alternative Nobel prize winner from India, known for her engagement against GMOs and for the independence of the Indian population, expresses her opinion clearly: “ This is a case of the enslaving of farmers”

(Biopiraterie mit Reis-Saatgut“, HYPERLINK "<http://www.dradio.de/www.dradio.de>, 8.7.04)

6. Steps for ensuring Rights of farmers and their families:

Brazil is part of the International Convention on Economic, Social and Cultural Rights, the main international instrument protecting the right to food. The Government of Brazil is obliged to ensure the right to food for all Brazil people.

The right to food is the right to be able to feed oneself, having physical and economic access to food. Participation, accountability, and access must be ensured at all levels of the implementation of the right to food. The Government of Brazil has the obligation to respect, protect and fulfill the right to food.

- The obligation to respect means that the Government should not take actions that arbitrarily deprive people of their right to food.
- The obligation to protect means that the Government should enforce appropriate laws to prevent third parties, including powerful people and corporations, from violating the right to food of others.
- Finally, the obligation to fulfill (facilitate and provide) means that the Government should take positive steps to identify vulnerable groups ... to ensure their access to adequate food and water by facilitating their ability to feed themselves.”
(J. Ziegler in his report of the right to food, Summer 2005, p. 9)

The active spreading of GM soya violates the constitution and three principles of environmental right namely precaution, sustainability and liability for damages. So Brazil must be forced to fulfill his duties of his own constitution !

So all these obligations can be guaranteed by taking the following measures:

- Prohibition of GMOs in the area of agriculture in Brazil
- Full responsibility of the GM industry for all consequences
- Full compensation of the GM industry for all losses of farmers as a direct consequence of seeding GM plants or contamination.
- Implementation of liability through agro-industries for all damages.
- A prohibition of any use of GMO for food and feed until the potential risks are proven to not exist for eco-social consequences using long term research
- prove that member of commissions and decision groups are independent from GM industry and include NGOs into commissions
- guarantee the transparency of decisions
- ensuring and protecting the interests of farmers and consumers in direction of sustainable agriculture and food production against the interests of lobbies from GMO-industries
- Implementation of existing laws and constitution for the protection of farmers
- to stop immediately deforesting of jungle for further mono-cultures of great landowners to keep the base of life of Indians and little farmers
- the priority of securing the cultivation of the farmers for their own supply over cultivation for export – and in case of cultivation for export to give the farmers compensation areas

for establishing the possibility to feed themselves and their families on an independent basis.

- protection of natural resources like ground, drinking water and soils from contamination and poisoning from herbicides, etc.

In summary it can be seen that the government of Brazil has not fulfilled its duties to follow national laws and constitution as well as the corresponding duties on the international level. For the Brazil population this means an existential and irreversible threat of its health and food security. Life of many individuals is endangered because of the inactivity of the government leading potentially to total loss, damages of health, poverty, rural exodus and increasing hunger - by increasing export-rates, increasing profits in one of the richest agro countries in the world!

We are demanding the Brazil government to guarantee the fulfilling of the rights of international pact for all Brazil people and to stop all steps working against the people and for industry.

We are therefore asking the committee to clearly express its concerns and to urgently act in such a way that the violations of human rights for farmers in Brazil can be stopped immediately for protecting Brazilian families from further damages and hunger.

Answer of the UN-committee:

Press release 4.06.09:

UN-committee of human rights demands stop of human rights violations in Brazil:

The use of GM-soya in Brazil causing destroyed harvests, landlessness, damages on health and increase of poorness and malnutrition

Via Campesina Brazil and the founder of the international network Aktion GEN-Klage, Christiane Lüst, gave together an parallelreport to the UN-committee for human rights of the United Nations against the Brazil government - on the consequences of a highly perturbing global development, the use of genetically modified GM-soya in Brazil. This seriously violates the economic, social and cultural rights of Brazil farmers.

The UN-committee for human rights has now – after a three-week-session – published the concluding observations – the demand to the Brazil government - to stop immediately violations of human rights in Brazil, caused also by the use of GMO in agriculture.

The exactly text you find on the webside of the committee:

<http://www2.ohchr.org/english/bodies/cescr/cescrs42.htm> (session May 2009 – Brazil)

The Committee particularly criticized that the increase in the deforestation of entire areas with the resultant consequences for Indigenous and small farmers and the resulting violations of the right to property and self-determination, which are both guaranteed in the Brazilian Constitution. The Brazilian government has been forced to take immediate corrective measures needed to stop this.

“Deforesting, increase of use of herbicides, destruction of livelihoods of Indian people and little farmers, concentration of farming-land, slave-work, rural exodus and the increase of poor people in agriculture are only some of the negative consequences which are showing another side of the soya-monoculture. The land for the own cultivation will be reduced. Jungle will be deforested in great amount for winning new land for cultivation. Jungle inhabitants and little farmers often will be driven off with violence from their land or murdered by the guerrilla of the great landowners for winning further land for cultivation”.so Antonio Andrioli from Via Campesina in his report.

A first measure to stop human right violations is to stop the use of GMO in Brazil as a most important reason for deforesting and violations of the right of property, land and self-determination .

“ Just the last year the UN-committee has criticized the use of GM in agricultur as human right violation and a government has been asked the first time to protect farmers for dependency on multinational corporations and to protect their access to the old seeds!

Now again a government has been demandet to protect rights, property and land of the farmers from taking over by multinational corporations” reported Christiane Lüst in her press release.

“The international pact of human right has been ratified about 140 countries worldwide, also Germany and Brazil.. This means, that the governments are in the duty to follow the UN-concludings – what now means also an stop of the use from GMOs in agriculture to stop further human right violations!”

Christiane Lüst has in past just reported in front of UN-committee for and together with the indian alternative nobelprize winner Vandana Shiva, with the canadian farmer and alternative nobelprize winner Percy Schmeiser and the austrian organisation Pro Leben .

Columbia March 2010

Parallel Report to the Fifth State Report by the Republic of Colombia Concerning the Realization of the International Covenant on Economic, Social and Cultural Rights

Social Human Rights in Colombia

Genetically Modified Organisms and the Human Rights of Indigenous Peoples in Colombia¹

¹ Original document: *Cultivos contaminados, culturas amenazadas: La situación de los transgénicos y los derechos humanos en pueblos indígenas de Colombia. Un informe al Relator Especial de las Naciones Unidas sobre la situación de los derechos humanos y libertades fundamentales de los indígenas.* [“Contaminated Crops, Threatened Cultures: The Situation of Genetic Engineering and the Human Rights of Indigenous Peoples of Colombia. A report to the United Nations Special Rapporteur on the Situation of the Human Rights and Fundamental Freedoms of Indigenous Peoples.”]

Presented by:
Seeds Group
(*Corporación Grupo Semillas*)

Executive Summary

For indigenous peoples in Colombia, a diverse stock of native seeds not only provides a crucial source of food but also represents a fundamental element of their cultures, a source of health, and a key part of their traditional agro-ecological methods of farming, which protect and preserve the environment in which they live. Maize is so important to the cultures of indigenous peoples that it is part of how they refer to themselves: the Embera people are literally “the people of maize,” and the Zenú people refer to themselves as “the children of maize.”

The policies and practices of the Colombian State concerning genetically modified organisms (GMOs) have violated, and threaten to continue violating, the rights of indigenous peoples in Colombia, including their rights to self-determination, prior consultation, participation, property, culture, food, health, and a healthy environment.

In 2005, the Colombian State issued a decree that regulates the approval of GMOs. Though indigenous peoples will be affected by the release of genetically modified (GM) seeds, they were not consulted before the approval of this decree; nor does the decree provide for any consultation during the approval process for each seed. Under this decree, the processes by which certain GM seeds have been approved have violated the Colombian State’s obligation to apply the precautionary principle, and have not taken into account scientific studies that have demonstrated the threat that GM seeds pose to native seeds, human health, and the environment.

This reckless and unilateral approval process has led to the release, without any prior consultation with indigenous peoples, of a number of GM seeds that will permanently contaminate the stock of native seeds that are central to the culture, health, and environment of indigenous peoples. The few positive measures that the government has taken are based on the results of flawed and incomplete scientific studies that were carried out by the State itself, without taking into account the full scope of current scientific knowledge. These measures are completely insufficient to prevent the contamination of native seeds through cross-pollination and/or food aid programs. While the State has not provided full information concerning the release of GM seeds, based on the information available it is clear that GM seeds have been planted so close to indigenous territories that genetic contamination could take place via pollination, or through other means such as agricultural support and food aid programs, the free

Originally presented by: Association of Indigenous Councils of Northern Cauca (Asociación de Cabildos Indígenas del Norte del Cauca, ACIN), Regional Indigenous Council of Cauca (Consejo Regional Indígena del Cauca, CRIC), Council of the Indigenous Reservation of San Andrés de Sotavento (Cacique Mayor del Resguardo de San Andrés de Sotavento), Agro-Ecological Network of the Caribbean (Red Agroecológica del Caribe, RECAR), Seeds Group (Corporación Grupo Semillas).

Originally presented in La María, Cauca, Colombia, on July 17, 2009.

flow of seeds between farmers, or commercial trade. The State has not managed to guarantee that indigenous peoples' native seeds will not be contaminated through each of these potential pathways.

As scientists have recognized, the genetic contamination of native seeds is irreparable. Thus the reckless policies and practices of the Colombian State will soon affect – and may already have affected – the culture and livelihood of indigenous peoples in Colombia. These peoples are mobilizing to protect their territories and their native seeds, but if the State does not immediately change its policies and practices it will continue to violate the rights of indigenous peoples.

This report asks the Colombian State to put an immediate halt on the release of GM seeds in Colombia, until appropriate biosafety rules have been adopted according to the required process of prior consultation with indigenous peoples, and until all necessary scientific studies have been carried out and show that GM seeds and food are completely harmless.

We call on the Committee on Economic, Social and Cultural Rights to study this issue as it concerns the realization of the rights to health and food in Colombia. Finally, we ask the Committee on Economic, Social and Cultural Rights to note the obligation of all states party to ILO Convention 169 to consult with indigenous peoples prior to issuing any policy concerning GMOs and prior to releasing any GM seed that might affect indigenous peoples.

March, 2010

Introduction

The policies and practices of the Colombian State concerning genetically modified organisms (GMOs) have violated, and threaten to continue violating, the rights of indigenous peoples in Colombia, including their rights to self determination, prior consultation, participation, property, culture, food, health, and the protection of a healthy environment.

Part I describes the **importance of native varieties of seeds**, particularly maize landraces, to the cultures and livelihoods of indigenous peoples in Colombia. (Page 5)

Part II summarizes scientific findings concerning the **risks that genetically modified (GM) seeds pose for the genetic resources of native varieties of seeds, human health, and the environment**. This Part then describes how the limited studies conducted by the Colombian State prior to approving planting of GM seeds failed to take account of these risks and protect the rights of indigenous peoples. (Page 7)

Part III describes how, without any prior consultation with indigenous peoples, the Colombian State has issued decrees and approved the release of GM seeds that may already have affected — and, ultimately, will surely affect — indigenous peoples and their most important traditional resources. Despite the Colombian State's unwillingness to provide complete information regarding where GM seeds have been released, it is clear that such plantings have occurred without taking the necessary steps to protect the food and seed stocks of indigenous peoples from irreparable contamination. This part also summarizes attempts by indigenous people to protect their rights in the face of the State's disregard for those rights. (Page 13)

Part IV enumerates the rights violations that have taken place or will soon take place as a result of the Colombian State's policies and practices concerning genetically modified organisms.

IV.A. The right to self determination (Art. 1) (p. 23)

IV.B. The right to prior consultation (p. 24)

IV.C. The right to participate in actions to protect the rights, culture, property and environment of indigenous peoples (p. 25)

IV.D. The right to life (p. 26)

IV.E. The right to property (p. 27)

IV.F. The right to culture (Art. 15) (p. 28)

IV.G. The right to food (Art. 11) (p. 28)

IV.H. The right to health (Art. 12) (p. 29)

IV.I. The right to a healthy environment (p. 30)

Part V concludes and recommends actions that the Colombian State should adopt. (p. 30)

I. The Importance of Native Seeds for the Cultures, Health, and Environment of Indigenous Peoples

*We, the Zenú, are children of maize... native seeds have guaranteed our sources of food, and form part of our culture.*²

For indigenous peoples in Colombia, a diverse stock of native seeds provides not only a vital source of food, but also stands as a key component of their cultures, as a source of nourishment and health, as insurance against unpredictable climatic changes, and as a crucial element in the traditional system of agro-ecological farming that protects and preserves their environment. Living in the context of one of the world's biodiversity "hotspots"³ that is home to a great diversity of native varieties of maize in particular,⁴ indigenous peoples in Colombia are acutely aware of their special role in preserving and protecting biodiversity.

The importance of maize to the culture of indigenous peoples in Colombia is evident from their names and how they refer to themselves. The Embera are an indigenous people from western Colombia and eastern Panama; *emberá* literally means "the people of maize." The Zenú people, from the Caribbean coast of Colombia, refer to themselves as "the children of maize," and believe that they received maize from the hands of their creators, *Mexión* and *Manexka*.⁵

² Agro-Ecological Network of the Caribbean (Corporación Red Agroecológica del Caribe, RECAR), "Semillas Criollas del Pueblo Zenú: Recuperación de la memoria, del territorio y del conocimiento tradicional" [Native Seeds of the Zenú People: Recovering Memory, Territory, and Traditional Knowledge] (2008), page 36.

³ See Conservation International, "Biodiversity Hotspots: Tropical Andes", <http://www.biodiversityhotspots.org/xp/hotspots/andes/Pages/default.aspx>

⁴ See, for example, RECAR, op. cit.

⁵ Id.

The importance of traditional seeds is also apparent in the cultural, economic, environmental, agricultural and food programs of various indigenous peoples in Colombia. The indigenous peoples who make up the Regional Indigenous Council of Cauca (CRIC) have as their objective the strengthening of the nutrition of the community, through the recovery of appropriate types of food, nutrition lessons, food preparation, and support for the diversification of family gardens with traditional seeds. For their part, the Association of Indigenous Councils of Northern Cauca (ACIN) has created an Indigenous Agro-environmental Research Center, whose objective is to recuperate and promote appropriate flatland agro-ecological production techniques. The center is dedicated to the research, design, validation, recuperation and improvement of agro-ecological systems and/or models with the spiritual accompaniment and orientation of the *thë wala* – their traditional healers – based on the cosmology of the Nasa people, the respectful use of land, and the laws of nature. The center emphasizes food security and the use and protection of natural resources through a seed bank, which has recuperated native varieties such as the *frijol selva* (wild bean), the *frijol rojo* (red bean), and the *maíz diente de caballo* (horse tooth maize).⁶

The *Cxa'cas'wala* (Great Force) Plan of Life of the Indigenous Reservation in Corinto, Cauca, also expresses an economic and environmental vision that seeks to “strengthen and conserve the processes of equilibrium and harmony with nature and respect for mother earth,” through the implementation of indigenous production systems for food autonomy, the strengthening of organic production, and the protection of sovereignty over the seeds themselves.⁷

The experience of the Zenú people provides an illustrative example of the importance of native varieties of seeds for indigenous peoples in Colombia. A recent publication by the Agro-Ecological Network of the Caribbean (Red Agroecológica del Caribe, RECAR), an organization comprised of Zenues, stated:

We, the Zenú, are children of maize, and it is thus with good reason that this product has become the icon of this indigenous people's resistance. We have rescued a great variety of native maize seeds, which are transformed by the hands of indigenous women into a countless number of appetizing foods that send us to times past, and that continue to set us on the course of the path of food sovereignty that we have decided to travel. El Dorado was not an infinite treasure of gold hoarded by indigenous peoples that drove the conquistadors crazy; rather, El Dorado was nothing more than the grains of sunlight that clothe themselves in maize, and that we Zenues have been recovering not only for ourselves, but also for the entire Colombian people and humanity in general. This publication is not just a study of maize, but also must be seen as just recognition of this product that we received from the hands of *Mexión* and *Manexka*.

Native seeds have guaranteed us food and form part of our culture. Native varieties of

⁶ Association of Indigenous Councils of Northern Cauca (ACIN), “Centro Indígena de Investigación Agroambiental del Nilo” [Indigenous Agroenvironmental Research Center of the Nilo], http://www.nasaacin.org/cian_investigaciones.htm

⁷ ACIN, “Plan de Vida *Cxa'cas'wala* (Fuerza grande) del Resguardo Indígena de Corinto, Cauca” [*Cxa'cas'wala* (Great Force) Plan of Life of the Indigenous Reservation in Corinto, Cauca], http://www.nasaacin.org/proyecto_chachaguala.htm

maize are adapted to our environment in that they survive droughts and pests and thrive in poor soils; moreover, they can be stockpiled for long periods, which is not possible with 'improved' seeds that rot very quickly.

Our food sovereignty has been guaranteed during many years due to a diversified system of production. *Mexión* and *Manexka* taught us the practice of the associated planting of yucca, maize and *ñame* (a variety of yam). For the Zenú it is more profitable and productive to grow native seeds than monocultures of maize, because apart from being healthy it is much more economical. One doesn't need huge amounts of money because the practice is to save and re-use seeds, and our agro-ecological practices have kept us free of chemical inputs. Even in the toughest of conditions, native seeds guarantee production, as opposed to 'improved' varieties that are susceptible and less resistant to pests and disease.

We conserve and recognize twenty-six native varieties of maize, of which the market tends to prefer those that are yellow or white. The variety known as *cariaco*, which is used in making an exquisite chocolate drink, is very sought after; varieties also exist in many colors, which together span the rainbow: *negrito*, *azulito*, *panó* (pink), *piédrita* (violet), *cariaco* (yellow and red stripes), *tacaloa* (orange), *sangre toro* (red), *cucaracho* (striped), *berrendo* (a mix of colors), and *huevo* (white with black stripes).⁸

Further evidence comes from the *Convite Pijao*, or Invitation of the Pijao, the life plan of this people from southern Tolima, in which they conceive of social and community activity toward land as akin to making *chicha* (a traditional fermented drink brewed from maize):

So that the land may be peopled and maintained according to the principles of the *Chicha*: If the form by which we relate to the land seems ever more like the way in which we prepare *Chicha*, we will be able to take steps against the threats to our territory made by the state, multinationals, armed actors, and reestablish the equilibrium with nature... The traditional drink of the Pijao people, the maize *chicha*, is like a person. It accompanies people during festivals, but also at work, engagements and meetings. It is a person akin to *Mohán*, because it is balanced, having heat and coolness, receiving the benefit of the arid land, but also of water and the sun. The process of preparing *Chicha* is like a traditional art that our grandfathers and grandmothers have passed down from generation to generation.⁹

One also encounters references to the centrality of maize in the life plans of the Kamentzá,¹⁰ Nasa,¹¹ Inga and Yanakona peoples.

The importance of native seeds for the cultures and livelihoods of indigenous peoples in Colombia is clear. What is also clear, unfortunately, is the threat that GM seeds pose to indigenous culture and livelihood. The next section explores these threats.

II. Potential Effects of GMOs on the Sources of Food, Health and Environment of Indigenous Peoples

⁸ RECAR, op. cit.

⁹ ONIC, AC-CRIT, Almaciga. *El Convite Pijao*. Bogotá: Ediciones Turdakke (2003).

¹⁰ "Plan integral de vida del pueblo Camëntsa / Camëntsa biyang ca jëbtsenashecuastonam: 'Continuando las huellas de nuestros antepasados.'" [Holistic Life Plan of the Kamentzá People: 'Continuing the Traces of Our Ancestors'" 2004.

¹¹ Asone'Wesx. *Kuesx Nasa fin'zeñi* (2004).

For years, scientific studies have been demonstrating the risks that GM seeds pose not only for the permanent contamination of native varieties, but also for human health, and for the health of the environment. This section describes important conclusions of leading scientists who have studied the various impacts of GM varieties. These conclusions demonstrate that the Colombian State should abide by its legal duty to apply the precautionary principle, which establishes that “the lack of scientific certainty should not be used as a reason to delay the adoption of effective remedies.”¹²

II.A. Genetic Contamination

Genetic contamination of native seed varieties by GM seeds is irreversible; in the absence of adequate methods to remove inserted transgenes, once the seeds are genetically contaminated, it will be nearly impossible to recover the original uncontaminated seed stock.¹³ Such contamination would irreversibly alter the traditional seed stock of the indigenous peoples of Colombia, and with it their culture, their traditional property, and their environment.

In the case of maize, a crop central to the culture of indigenous peoples in Colombia, the potential vectors for genetic contamination are not fully understood. Maize is generally but not exclusively pollinated by the wind, and scientific studies have suggested that GM maize can contaminate native varieties at great distances – several kilometers – when strong winds or convective conditions are present.¹⁴

Scientific studies have also shown that as the density of GM maize planted in a landscape increases, the distance over which native varieties can be contaminated also increases.¹⁵ In certain circumstances maize is bee-pollinated, and scientific studies have shown that pollinating bees can travel great distances, as far as ten kilometers.¹⁶ As later sections will explain, those limited studies that have been conducted by the Colombian State have failed to take into account

¹² See Law 99 of 1993. See also Decision 391 of the Cartagena Protocol (Common Regime on Access to Genetic Resources), Article 13, and Law 740 of 2002, which ratifies the Cartagena Protocol on Biosafety to the Convention on Biological Diversity.

¹³ See Arpad Pusztai, “National Regulations Should Reflect Risks of GE Crops”, *BioSpectrum* (Jan. 6 2006), <http://biospectrumindia.ciol.com/content/columns/10601061.asp>

¹⁴ See Boehm, M, Aylor, D.E. and Shields, E.J., “Maize Pollen Dispersal under Convective Conditions” *J. Applied Meteorology & Climatology*, 47.1 (Jan. 2008) 291-307, 291. This article explains that maize pollen is principally released under dry conditions from mid-morning until the early afternoon, a time of day that, during fair weather, the atmospheric boundary layer is becoming more and more convective. Under convective conditions, turbulence within the atmospheric boundary layer is dominated by rising and falling air currents that extend from near ground level up to the upper part of the boundary layer, at an altitude typically of 500-2000 meters above ground level. These large currents can transport maize pollen from its point of release near the ground to the upper level of the convective boundary layer and back to the ground, at a distance of several kilometers from its point of release, in the course of tens of minutes.

¹⁵ See “The Bigger Picture: GM Contamination Across the Landscape”, *Science for Environment Policy: European Commission DG Environment News Alert Service*, Edited by SCU, The University of the West of England, Bristol, special edition 10 (Dec. 2008); Lavigne, C., Klein, E.K., Mari, J-F. et al. (2008). “How Do Genetically Modified (GM) Crops Contribute to Background Levels of GM Pollen in an Agricultural Landscape?” *Journal of Applied Ecology*. 45: 1104-1113.

¹⁶ See “Bee Behaviour Helps Us Understand Transgene Escape”, *Science for Environment Policy: European Commission DG Environment News Alert Service*, edited by SCU, The University of the West of England, Bristol, special edition 10 (Dec. 2008).

any of this scientific evidence.

It is also important in the Colombian context to take into account the fact that the genetic contamination of native varieties of maize could be driven by human factors, such as government food aid and agricultural support programs, which fail to sufficiently ensure that GM food and seeds are not distributed; such contamination has already come to pass in Mexico, the center of origin of maize.¹⁷ Contamination can also take place through the customary and continual indigenous practice of exchanging and experimenting with seeds from other places.

II.B. Human Health Effects

Scientists have demonstrated that genetic engineering technology has negative health effects both as food for human consumption and as a result of its mode of production. Barring any change in the policy and practice of the Colombian State, the contamination of native seeds by GM seeds will — and may already have begun to — negatively affect the health of indigenous peoples in Colombia, whether by contaminating their food stock and/or by contaminating the fields next to which they live.

Genetically modified foods have been shown to have significant and severe adverse effects on animal health, and according to health authorities it is very plausible that similar effects could be had on human health. The American Academy of Environmental Medicine described these health effects when it issued a recent statement¹⁸ summarizing the scientific evidence:

There is more than a casual association between GM foods and adverse health effects. There is causation as defined by Hill's Criteria in the areas of strength of association, consistency, specificity, biological gradient, and biological plausibility.¹⁹ The strength of association and consistency between GM foods and disease is confirmed in several animal studies.²⁰

Specificity of the association of GM foods and specific disease processes is also supported. Multiple animal studies show significant immune dysregulation, including upregulation of

¹⁷ Commission for Environmental Cooperation of North America (Secretariat Report), "Maize and Biodiversity: The Effects of Transgenic Maize in Mexico" (2004), <http://www.cec.org/maize/index.cfm>

¹⁸ American Academy of Environmental Medicine, "Genetically Modified Foods Position Paper" (May 8, 2009), <http://www.aaemonline.org/gmopost.html>

¹⁹ Hill, AB. "The environment and disease: association or causation?" *Proceeding of the Royal Society of Medicine* (1965) 58:295-300.

²⁰ Smith, J.M., *Genetic Roulette*. (2007) p. 10; Finamore A., Roselli M., Britti S., et al., "Intestinal and Peripheral Immune Response to MON 810 Maize Ingestion in Weaning and Old Mice". *J Agric. Food Chem.* (2008), 56(23): 11533-11539; Malatesta M., Boraldi F., Annovi G., et al., "A Long-Term Study on Female Mice Fed on a Genetically Modified Soybean: Effects on Liver Ageing" *Histochem Cell Biol.* (2008), 130: 967-977; Velimirov A., Binter C., Zentek J., "Biological Effects of Transgenic Maize NK603xMON810 Fed in Long Term Reproduction Studies in Mice" Report of the Austrian Ministry of Health, Family and Youth (2008); Ewen S., Pustzai A., "Effects of Diets Containing Genetically Modified Potatoes Expressing *Galanthus Nivalis Lectin* on Rat Small Intestine" *Lancet* 354: 1353-1354; Kilic A., Aday M., "A Three Generational Study with Genetically Modified Bt Corn in Rats: Biochemical and Histopathological Investigation", *Food Chem. Toxicol.* (2008), 46(3): 1164-1170; Kroghsbo S., Madsen C., Poulsen M., et al., "Immunotoxicological Studies of Genetically Modified Rice Expression PHA-E lectin or Bt toxin in Wistar Rats", *Toxicology* (2008), 245: 24-34.

cytokines associated with asthma, allergy, and inflammation.²¹ Animal studies also show altered structure and function of the liver, including altered lipid and carbohydrate metabolism as well as cellular changes that could lead to accelerated aging and possibly lead to the accumulation of reactive oxygen species (ROS).²² Changes in the kidney, pancreas and spleen have also been documented.²³ A recent 2008 study links GM corn with infertility, showing a significant decrease in offspring over time and significantly lower litter weight in mice fed GM corn.²⁴ This study also found that over 400 genes were found to be expressed differently in the mice fed GM corn. These are genes known to control protein synthesis and modification, cell signaling, cholesterol synthesis, and insulin regulation. Studies also show intestinal damage in animals fed GM foods, including proliferative cell growth²⁵ and disruption of the intestinal immune system.²⁶

Other scientific studies have suggested that during pollination Bt maize can lead to illness in people living close to the fields.²⁷

Aside from their direct effects, the use of certain GM seeds that are resistant to herbicides has been found to be associated with increased use of toxic chemical herbicides, particularly glyphosate.²⁸ Glyphosate has been shown to have severe adverse health effects. For example, studies suggest glyphosate induces a variety of functional abnormalities in fetuses and pregnant rats.²⁹ Also in recent mammalian research, glyphosate has been found to interfere with an enzyme involved testosterone production in mouse cell culture³⁰ and to interfere with an estrogen biosynthesis enzyme in cultures of human placental cells.³¹ The health of communities living downstream of from plantings of GM Bt maize, soy or cotton are thus subject to negative health effects resulting from the increased exposure to glyphosate associated with Bt crops. To the best of our knowledge, the Colombian State has conducted no studies to assess the risks associated

²¹ Finamore A., Roselli M., Britti S., et al., op. cit.; Kroghsbo S., Madsen C., Poulsen M., et al., op. cit.

²² Malatesta M., Boraldi F., Annovi G., et al., op. cit.; Velimirov A., Binter C., Zentek J.; Kilic A., Aday M., op. cit.

²³ Finamore A., Roselli M., Britti S., et al., op. cit.; Velimirov A., Binter C., Zentek J.; Kilic A., Aday M., op. cit.

²⁴ Velimirov A., Binter C., Zentek J., op. cit.

²⁵ Ewen S., Pustzai A., op. cit.

²⁶ Finamore A., Roselli M., Britti S., et al., op. cit.

²⁷ Reuters, "More on Allergic Reactions of Philippine Farmers to Monsanto's GE Corn: Filipino Farmers Show GM Pollen Reaction-Scientist", <http://www.organicconsumers.org/corn/philippine.cfm>

²⁸ Friends of the Earth, "Who Benefits from GM Crops? The Rise in Pesticide Use" (Jan. 2008). <http://www.foei.org/en/resources/food-sovereignty/publications>

²⁹ Daruich J, Zirulnik F, Gimenez MS., "Effect of the Herbicide Glyphosate on Enzymatic Activity in Pregnant Rats and Their Fetuses," *Environ Res.* 85(3):226-31 (Mar. 2001).

³⁰ Walsh et al. "Roundup Inhibits Steroidogenesis by Disrupting Steroidogenic Acute Regulatory (StAR) Protein Expression" *Environ Health Perspectives* 2000 108: 769-776.

³¹ Richard et al., "Differential Effects of Glyphosate and Roundup on Human Placental Cells and Aromatase" *Environmental Health Perspectives* 113 (6): 716-720.

with glyphosate and other agricultural chemicals associated with the cultivation of GM crops.

II.C. Effects for the Health of the Environment

Genetically modified crops that have been altered to be toxic to pests are also toxic to 'non-target' organisms. For example, long-term exposure to pollen from GM maize that expresses the *Bacillus thuringiensis* (Bt) toxin has been found to cause adverse effects on the behavior³² and survival³³ of the monarch butterfly in North America.

GM crops are also toxic to other, beneficial insects. Bt crops have been demonstrated to adversely affect seven insects that are important in the natural control of maize pests, such as green lacewings.³⁴ There are also concerns that Bt maize may affect the learning performance of bees,³⁵ which are important pollinators. Studies have raised concerns that the type of short-term direct toxicity testing normally employed in risk assessments is not sufficient to determine any possible sub-lethal effects (i.e. any effects that impair health or function, but do not kill) on beneficial insects. Sub-lethal effects such as effects on learning ability are crucial because they may affect the functionality of beneficial insects.

Genetically modified crops also affect soil and water ecosystems. The toxin exuded by Bt maize has been shown to remain biologically active while persisting in the soil.³⁶ The same toxin can enter streams where it might be toxic to aquatic insect life. In the United States, agricultural waste from Bt maize has been shown to enter streams.³⁷ This exposure pathway for Bt toxin has

³² Prasifka, P.L., Hellmich, R.L., Prasifka, J.R. & Lewis, L.C. 2007. "Effects of Cry1Ab-Expressing Corn Anthers on the Movement of Monarch Butterfly Larvae," *Environ Entomology* 36: 228-33.

³³ Dively, G.P., Rose, R., Sears, M.K., Hellmich, R.L. Stanley-Horn, D.E. Calvin, D.D. Russo, J.M. & Anderson, P.L.. 2004. "Effects on Monarch Butterfly Larvae (Lepidoptera: Danaidae) After Continuous Exposure to Cry1Ab Expressing Corn During Anthesis," *Environmental Entomology* 33: 1116-1125.

³⁴ Andow, D.A. and A. Hilbeck. 2004. "Science-Based Risk Assessment for Non-Target Effects of Transgenic Crops," *Bioscience* 54: 637-649; Obrist, L.B., Dutton, A., Romeis, J. & Bigler, F. 2006. "Biological Activity of Cry1Ab Toxin Expressed by Bt Maize Following Ingestion by Herbivorous Arthropods and Exposure of the Predator *Chrysoperla carnea*," *BioControl* 51: 31-48; Harwood, J.D., Wallin, W.G. & Obrycki, J.J. 2005. "Uptake of Bt Endotoxins by Non-Target Herbivores and Higher Order Arthropod Predators: Molecular Evidence from a Transgenic Corn Agroecosystem," *Molecular Ecology* 14: 2815-2823; Lövei, G.L. & Arpaia, S. 2005. "The Impact of Transgenic Plants on Natural Enemies: A Critical Review of Laboratory Studies," *Entomologia Experimentalis et Applicata* 114: 1-14.

³⁵ Ramirez-Romero, R., Desneux, N., Decourtye, A. Chaffiol, A., Pham-Delègue, M.H. 2008. "Does Cry1Ab Protein Affect Learning Performances of the Honey Bee *Apis mellifera* L. (Hymenoptera, Apidae)?" *Ecotoxicology and Environmental Safety* 70: 327-333.

³⁶ Baumgarte, S. & Tebbe, C.C. 2005. "Field Studies on the Environmental Fate of the Cry1Ab Bt-Toxin Produced by Transgenic Maize (MON810) and its Effect on Bacterial Communities in the Maize Rhizosphere," *Molecular Ecology* 14: 2539–2551; Stotzky, G. 2004. "Persistence and Biological Activity in Soil of the Insecticidal Proteins from *Bacillus thuringiensis*, Especially from Transgenic Plants," *Plant and Soil* 266: 77-89; Zwahlen, C. Hilbeck, A. Gugerli, P. & Nentwig, W. 2003. "Degradation of the Cry1Ab Protein Within Transgenic *Bacillus thuringiensis* Corn Tissue in the Field," *Molecular Ecology* 12: 765-775.

³⁷ Rosi-Marshall, E.J., Tank, J.L., Royer, T.V., Whiles, M.R., Evans-White, M., Chambers, C., Griffiths, N.A., Pokelsek, J. & Stephen, M.L. 2007. "Toxins in Transgenic Crop Byproducts May Affect Headwater Stream Ecosystems," *Proceedings National Academy of Sciences* 41: 16204–16208; Griffiths, N.A., Tank, J.L., Royer, T.V., Rosi-Marshall, E.J., Whiles, M.R., Chambers, C.P., Frauendorf, T.C. & Evans-White, M.A. 2009. "Rapid Decomposition of Maize Detritus in Agricultural Headwater Streams," *Ecological Applications*

not been previously considered and is not part of the current environmental risk assessments of Bt crops, although this could be significant to the aquatic food web and ultimately the health of aquatic ecosystems. Glyphosate, the pesticide used in combination with many GM crops, is toxic to frog larvae (tadpoles),³⁸ and has been found to leach in significant levels through the root zone and into drainage waters in certain types of soil.³⁹

There is overwhelming scientific data to support concerns of insect pest resistance to Bt crops.⁴⁰ If widespread resistance were to occur, the insect-resistant properties of GM crops would become ineffective, and the application of new and even more toxic chemical pesticides would be inevitable. Likewise, glyphosate-resistant weeds are occurring in direct association with GM crops in many parts of the US, the result of the dramatically increased use of glyphosate in the ten years since herbicide-resistant GM crops were introduced.⁴¹ In Argentina, new weeds thought to be resistant to glyphosate are replacing the usual weeds found in the fields, as a result of cultivation of GM soy.⁴² Increasing amounts of herbicide have to be used to control these weeds,⁴³ or else different more toxic herbicides have to be used to supplement glyphosate.⁴⁴

III. Colombian Regulation of GM Seeds: Approved Without Prior Consultation With Indigenous Groups and Utterly Insufficient to Protect Their Rights

The Colombian State did not consult with indigenous peoples before issuing Decree 4525 (2005), which regulates the manner in which GMOs are approved in Colombia, or before the

19: 133-142.

³⁸ Relyea, R.A. 2005. "The Impact of Insecticides and Herbicides on the Biodiversity and Productivity of Aquatic Communities," *Ecological Applications* 15: 618-627; Relyea, R.A. 2005. "The Lethal Impact of Roundup on Aquatic Terrestrial Amphibians," *Ecological Applications*, 15: 1118–1124; Relyea, R.A., Schoeppner, N.M. & Hoverman, J.T. 2005. "Pesticides and Amphibians: The Importance of Community Context," *Ecological Applications*, 15: 1125–1134.

³⁹ Jeanne Kjær, Annette E. Rosenbom, Preben Olsen, René K. Juhler, Finn Plauborg, Ruth Grant, Per Nygaard, Lasse Gudmundsson and Walter Brusch. "The Danish Pesticide Leaching Assessment Programme: Monitoring Results May 1999–June 2007" (2008), p. 81, www.pesticidvarsling.dk

⁴⁰ See, for example, Andow, D.A. 2001. "Resisting Resistance to Bt Corn." *In* *Genetically Engineered Organisms: Assessing Environmental and Human Health Effects*. Letourneau, D.K. and B.E. Burrows, eds. Boca Raton, FL: CRC Press.

⁴¹ Baucom, R.S. & Mauricio, R. 2004. "Fitness Costs and Benefits of Novel Herbicide Tolerance in a Noxious Weed," *Proceedings of the National Academy* 101: 13386–13390; van Gessel, M.J. (2001) "Glyphosate-Resistant Horseweed from Delaware," *Weed Science*, 49: 703-705, <http://www.weedscience.org/Summary/UspeciesMOA.asp?lstMOAID=12&FmHRACGroup=Go>; Zelaya, I.A., Owen, M.D.K. (2000). "Differential Response of Common Water Hemp (*Amaranthus rudis* Sauer) to Glyphosate in Iowa," *Proc. North Cent. Weed Sci. Soc.*, 55, 68; Patzoldt, W.L., Tranel, P.J., & Hager, A.G. (2002) "Variable Herbicide Responses Among Illinois Waterhemp (*Amaranthus rudis* and *A. tuberculatus*) populations", *Crop Protection*, 21: 707-712. <http://www.weedscience.org/Case/Case.asp?ResistID=5269>

⁴² Vitta, J.I., Tuesca, D. & Puricelli, E. 2004. "Widespread use of glyphosate tolerant soybean and weed community richness in Argentina". *Agriculture, Ecosystems and Environment*, 103: 621-624.

⁴³ Duke, S.O. 2005. "Taking stock of herbicide-resistant crops ten years after introduction". *Pest Management Science* 61: 211–218.

⁴⁴ http://farministrynews.com/mag/farming_saving_glyphosate/index.html

approval of any of the various crops that have been approved until now. Pursuant to the procedures of Decree 4525, numerous GM crops have been approved, and have been planted within range of indigenous territories, raising the possibility that native varieties of seeds central to indigenous peoples' cultures and livelihoods have already been or will soon be contaminated.

This section describes the regulatory framework established by Decree 4525, and the legal deficiencies inherent in that framework. It then describes the process by which particular GM varieties were approved, and the legal and scientific flaws with those approvals. Because the Colombian State has so far refused to disclose all relevant information, it is impossible to map precisely where GM varieties have so far been planted; nevertheless, it is clear from the information available that some GM plantings are within a distance that could contaminate indigenous peoples' native seeds. The section concludes by describing efforts by indigenous peoples and their allies in civil society to defend their rights in the face of the State's deliberate disregard.

III.A. The (Non-)Regulation of GMOs under Decree 4525

In Colombia, the granting of licenses for GMOs takes place in accordance with Decree 4525 of 2005. This Decree provides for regulations that implement Law 740 of 2002, in which Colombia ratified the Cartagena Protocol on Biosafety. These regulations were decreed without prior consultation with indigenous peoples, who will be directly affected by the release of GM seeds.

Decree 4525 creates three independent Technical Committees for Biosafety: the Agricultural Technical Committee, within the Ministry of Agriculture, which approves GM technologies related to agriculture, livestock, forestry and agribusiness; the Environmental Technical Committee, within the Environment Ministry, which approves GM technologies for environmental uses; and the Health Technical Committee, within the Ministry of Social Protection, which approves GM technologies related to health and destined for human consumption. Yet under this Decree, biosafety analyses do not comprehensively evaluate environmental, socioeconomic and health impacts; GM technology ends up being reviewed and approved only by agricultural authorities.

A major problem with Decree 4525 was the lack of prior consultation and participation of citizens in general. Article 23 of Law 740 ostensibly guarantees public awareness and participation, finding that citizen participation should not stop at the level of information dissemination, but also monitoring and joint decision-making. Article 37 of Decree 4525 likewise provides for public participation, stating "the competent authorities shall inform the public of the applications in progress and the decisions taken, using the institutional means of dissemination. Similarly, the competent authorities shall promote public participation in the decision-making process for development of activities with genetically modified organisms."

But the implementation of public participation is not developed by the Decree, and in no technical committee are representatives of indigenous peoples or the general public involved in decision making. In the case of GM crops approved under Decree 4525, the State was obligated by the mandates of the Colombian Constitution, ILO Convention 169 (ILO 169), and other national laws to consult with indigenous peoples and Afro-Colombian communities, since such crops might affect them both directly and negatively. The indigenous, Afro-Colombian and peasant communities have not been taken into account and were not consulted during decision-

making concerning the introduction of GM technologies, although they may be most affected by the introduction of GMOs. In many parts of Colombia these communities and other sectors of society have strong views on the impacts GMOs could have on their territory and their food sovereignty.

Apart from the lack of prior consultation, Decree 4525 is plagued by other related legal problems that render it wholly insufficient to protect the rights of the Colombian population as a whole, and those of indigenous peoples in particular. Together with the lack of prior consultation, these defects are the basis of a legal action filed by Grupo Semillas that seeks to annul the Decree.

III.B. Approval and Release of GM seeds in Colombia: Lacking Prior Consultation with Indigenous Peoples, Risk Assessments, or Positive Measures Necessary to Protect Indigenous Rights

Currently, eight varieties of GM cotton and three varieties of GM maize have been approved for commercial planting in Colombia. None of these approvals took place according to the prior consultation process mandated by ILO Convention 169 for projects that directly affect indigenous peoples. This sub-section describes the timeline of approvals of GM crops,⁴⁵ and analyzes the flaws in the research that served as the basis for the government's determinations concerning restrictions on the release of GM varieties, particularly its finding that a 300-meter buffer zone would be sufficient between a planting of GM maize and the boundary of an indigenous reservation.

It is evident that such a narrow buffer zone is ineffective in the Colombian context, where the full ancestral territories of indigenous peoples are far greater in area than those reservations currently recognized by the State, where recognized reservations are scattered widely in disconnected sections, and where in many cases indigenous lands are often bordered by lands exploited by agribusiness or farmed by non-indigenous peasants, which under current regulations can be freely planted with GM crops. In its studies, the government failed to take into account the sources of genetic contamination discussed above. To take into account such evidence, however, would demonstrate that a 300-meter buffer zone is wholly insufficient to protect the rights of indigenous peoples.

III.B.1 Timeline of GM Maize Approvals

In February 2007, the Colombian Agricultural Institute (Instituto Colombiano Agropecuario, ICA) approved the "controlled" commercial planting of three varieties of GM maize: Monsanto's YieldGuard Bt MON 810 maize and its Roundup Ready maize, and Dupont's Herculex I Bt maize, which is tolerant to the herbicide ammonium glufosinate. These plantings were authorized for the departments of Córdoba, Sucre, Huila and Tolima, all of which are home to many indigenous

⁴⁵ Although this section focuses on the approval process and testing of GM maize, other varieties of food and non-food crops are also worrying. For example, 2008 saw a failure of GM cotton in the departments of Tolima and Cordoba, although data from the scale of the crisis are not yet evaluated. Several indigenous farmers in southern Tolima engaged in cotton cultivation without sufficient information on impacts, after the violation of their rights to be informed and consulted. All their crops failed, with serious economic and social effects.

communities. This decision was taken hastily and unilaterally without first consulting the indigenous peoples who will be affected, without having heard the voices of refusal to these cultures expressed by indigenous, peasant and environmental groups, and without having conducted full and comprehensive studies to demonstrate the safety and appropriateness of these technologies to the country and its farmers. ICA argues that an advertisement that appeared for 60 days on its website was sufficient notification and consultation with indigenous peoples and the public at large.

ICA later approved the “controlled” planting of four more varieties of GM maize. In August 2007, ICA Resolution 220 approved a variety that bundles Monsanto’s YieldGuard technology (MON 810) with its Roundup Ready technology (NK 603). In March 2008, ICA Resolution 878 approved a variety that brings together Herculex I technology (TC 1507) with Roundup Ready technology (NK 603). Resolution 1677, from May 2008, approved Herculex I maize, which had been submitted by Dow AgroSciences of Colombia, S.A. And in March of 2008, Resolution 877 approved Syngenta’s GA21 maize. As before, these permits allowed commercial planting without first consulting with affected peoples and conducting the required biosafety studies.

In addition, between December 2006 and February 2008 ICA approved the use of various types of GM maize, rice and soybeans as raw materials for food production for consumption by livestock, through the following resolutions:

- Resolution 3746 (Dec. 15, 2006): YieldGuard maize (MON 810) by Monsanto;
- Resolution 3745 (Dec. 15, 2006): Herculex I maize (TC 1507) by Dupont;
- Resolution 309 (Feb. 11, 2008): Bt11 maize tolerant to the herbicide ammonium glufosinate, by Syngenta;
- Resolution 308 (Feb. 11, 2008): Rice tolerant to ammonium glufosinate, (Llrice62) by Bayer CropScience S.A.;
- Resolution 2367 (Aug. 28, 2007): YieldGuard Two maize (MON 89034) by Monsanto; and
- Resolution 2942 (Nov. 06, 2007): Roundup Ready Soybeans tolerant to glyphosate, by Monsanto.

III.B.2. Flawed Government Studies Have Resulted in Insufficient Buffer Zones

The Colombian State’s conclusion that a 300-meter buffer zone is sufficient to protect indigenous peoples and their lands from contamination by GM crops was based on studies conducted by ICA and companies applying for permits that employed limited tests of the distance at which maize can cross-pollinate. These studies are incomplete and insufficient to protect the biodiversity so important to indigenous peoples.

With respect to GM maize, ICA limited its studies to a distance of 400 meters, and failed to take into account or investigate the possibility that maize can cross-pollinate at greater distances. However, scientific studies have demonstrated that in areas of high convection, maize pollen can travel many kilometers during time that it remains viable.⁴⁶ Despite the ready availability of meteorological information concerning wind speeds and other relevant data for the regions where

⁴⁶ See Boehm, M, Aylor, D.E. and Shields, E.J., “Maize Pollen Dispersal Under Convective Conditions,” *J. Applied Meteorology & Climatology*, 47.1 (Jan. 2008) 291-307, 291.

GM seeds have been approved,⁴⁷ ICA neither considered the scientific evidence concerning convection nor investigated how these findings might apply in the Colombian context. Likewise, ICA did not consider scientific studies that have shown that as the density of GM maize planted in a landscape increases, the distance over which native varieties can be contaminated also increases.⁴⁸

Though it is true that maize is generally wind-pollinated, ICA did not consider the possibility that genetic contamination of maize could also proceed by other vectors. For example, some amount of maize is bee-pollinated, and scientific studies have shown that pollinating bees can travel great distances, including up to ten kilometers.⁴⁹ From the information we have received, there is no evidence that ICA considered this possibility or investigated its relevance to the Colombian context. Nor is there evidence that ICA considered the problems posed or the potential lessons to be learned from taking into account various studies from Mexico, which have shown that a simple ban on the planting of GM seeds is not necessarily sufficient to prevent the genetic contamination of native landraces.⁵⁰

Nor did ICA take into account a technical paper issued by the Ministry of Environment and Territorial Development (MAVDT); this paper was presented during the application process before the Ministry of Agriculture's Technical Committee on Biosafety concerning GM maize produced by the Colombian Agricultural Company Ltd. (a Monsanto subsidiary) and Dupont de Colombia S.A. That paper stated that the biosafety studies conducted by ICA were insufficient. Such a finding demonstrates the lack of seriousness and absence of scientific rigor that characterized how decisions of vital importance for the country have been handled.

The Ministry of Environment's technical paper states that the biosafety studies that were conducted did not include a comprehensive and complete environmental impact assessment, which would cover all the biological, ecological, social, economic and cultural issues implicated by GMOs. It also notes that studies only touched on agricultural and biological issues. Nor in these assessments have socio-economic, cultural or productive analyses been brought to bear on impacts for the production chains, different production systems, or various types of farmers and social and cultural groups. There is no up-to-date national inventory of native maize varieties

⁴⁷ See, for example, Hydrology, Meteorology and Environmental Studies Institute (Instituto de hidrología, meteorología y estudios ambientales, IDEAM), *Atlas de Viento y Energía Eólica de Colombia*. [Colombian Atlas of Winds and Aeolian Energy]

⁴⁸ Lavigne, C., Klein, E.K., Mari, J-F. et al. (2008). "How do Genetically Modified (GM) Crops Contribute to Background Levels of GM Pollen in an Agricultural Landscape?" *Journal of Applied Ecology*. 45: 1104-1113; "The Bigger Picture: GM Contamination Across the Landscape," *Science for Environment Policy*, European Commission DG Environment News Alert Service, edited by SCU, The University of the West of England, Bristol.

⁴⁹ Pasquet, R. S., Peltier, A., Hufford, M.B. et al. (2008). "Long-distance pollen flow assessment through evaluation of pollinator foraging range suggests transgene escape distances". *Proceedings of the National Academy of Sciences*. 105(36): 13456-13461; "Bee behaviour helps us understand transgene escape", *Science for Environment Policy*. European Commission DG Environment News Alert Service, edited by SCU, The University of the West of England, Bristol.

⁵⁰ Dyer G.A., Serratos-Hernández J.A., Perales H.R., Gepts P, Piñeyro-Nelson A., et al. (2009) "Dispersal of Transgenes through Maize Seed Systems in Mexico." *PLoS ONE* 4(5): e5734. doi:10.1371/journal.pone.0005734

that would permit the definition and implementation of measures for the protection and conservation of maize both in situ and ex situ, as well as the clarification and prioritization of areas of the country that should be declared to be GM-free due to the high concentration of native varieties. Moreover, the Ministry of the Environment noted that the process of evaluating and approving GM maize failed to take into account the obligations created by Articles 23 and 26 of the Cartagena Protocol on Biosafety, concerning dissemination of information and public participation in the decision-making process, as well as attention to socioeconomic issues.

The above leads us to conclude that it is urgent to undertake appropriate biosafety studies; yet there remains no indication that the government has any interest in performing such studies.

III.B.3. The Lack of Positive Measures to Prevent Genetic Contamination Through Agricultural Development Programs and Food Aid

The State has not established the positive steps necessary to ensure that seeds and foods purchased for agricultural development programs and food aid in indigenous territories are not genetically modified. The Colombian Family Welfare Institute (Instituto Colombiano de Bienestar Familiar, ICBF) does not require either in its 2006 terms of reference for proposals to provide supplemental food to seniors,⁵¹ or in its 2008 operations manual for the State feeding program for the elderly⁵² that purchased food for food aid programs in indigenous territories not be transgenic.

Without contractual terms prohibiting the purchase of GM seeds and GM food by state agencies for distribution in indigenous territories, and without undertaking the necessary tests to verify if these seeds and food are in fact free from genetic modifications, one easily can see how the native seeds and food of indigenous peoples will soon be contaminated – if such contamination has not already occurred.

III.C. The Commercial Release of GM Seeds in Colombia: An Out-of-Control Situation in Which the Government Neither Shares Information with Indigenous Peoples, nor Takes into Account Critical Views

Since 2007, various GM seeds have been commercially released in several geographic regions of Colombia, including the humid Caribbean coast, the arid Caribbean coast, the upper Magdalena river valley, the Cauca river valley, and the eastern plains. Although the Colombian State claims that this release consists only of “controlled plantings,” it is unclear how exactly the government is controlling the release, for the only requirement demanded to sow GM seed is that a farmer enroll with ICA and sign a contract with the company that owns the GM technology. When indigenous groups have requested information, the government has failed to comply with its duty under Colombian law to provide a full and complete response. What can clearly be discerned from the information available is that GM seeds have been planted close enough to indigenous reservations – and, without a doubt, even within traditionally indigenous territories – that they could contaminate stocks of indigenous peoples’ native seeds, and that the State has failed to guarantee that native seeds will not be contaminated through agricultural support and food aid programs. In summary, control mechanisms to prevent genetic contamination by

⁵¹ Convocatoria pública [Public Invitation for Bids] ICBF-CP-105-06, available via the Colombian State’s General Portal for Contracting, <http://www.contratos.gov.co/puc/>

⁵² Available via the General Portal for Contracting, <http://www.contratos.gov.co/puc/>

destroying crops that could affect native seeds.

In April 2009, the traditional leader of the Zenú people and the legal representative of the Agro-Ecological Network of the Caribbean (RECAR) presented a *derecho de petición* (request for official information) to ICA for information concerning the release of GM maize in their region, the procedures carried out for prior consultation, the approval process for these GM crops, and the mechanisms implemented by the ICA to prevent contamination of native seeds. In important respects the government response was incomplete and evasive.

The Zenues requested full information regarding the location, area and type of GM maize planting in the departments of Cordoba and Sucre, since the time of approval. The government responded with incomplete information concerning plantings by one company during one semester and plantings by another company in a different semester, rather than providing complete information about all plantings in all semesters by each of the four companies authorized by ICA to distribute GM maize.

The Zenues also requested studies and biosafety assessments conducted on GM varieties of maize and their effects on the biodiversity of native maize varieties. The government responded with studies undertaken mainly to assess agronomic efficiency of the new GM technologies (Bt incorporation and herbicide resistance) and the potential for cross-pollination with certain commercial hybrids, rather than evidence concerning cross-pollination with landraces.

The Zenues also requested information concerning socioeconomic studies evaluating the effects on indigenous production systems and farming in the Caribbean region. ICA replied that “there were no socioeconomic studies of the impacts of these technologies on indigenous production systems because the licenses for controlled plantings do not cover these territories and are freely-adopted technologies, so that there is no obligation for their use, [such use] only depending on the interests of farmers who freely choose a mode of production and adopt technologies to use.” That is, ICA ignores the possibility that native seeds can be contaminated across great distances, and above all ignores the fact that GM seeds can arrive through agricultural development programs and food aid, which may create negative socioeconomic impacts for indigenous peoples.

The Zenues requested information concerning the mechanisms and procedures for risk assessment and control employed by ICA to prevent GM maize from reaching indigenous reservations, given that the Zenues’ indigenous reservations are noncontiguous and are surrounded by land used for commercial maize cultivation. ICA replied that it requires companies to provide information on the location of their plantings, and requires a buffer zone of 300 meters between GM maize and conventional maize. It noted that the harvest of GM seeds is meant exclusively for human or animal consumption, and that it is “forbidden to keep, save, exchange and/or sell any seed in order to use them for planting.” ICA explained that the resolutions approving controlled plantings obligate companies to monitor the planting of GM seeds, to comply with a biosafety and management plan, and to send ICA bi-monthly reports of all actions required for follow-up monitoring. Which begs the question: why does ICA not then deliver this complete information so that the Zenú people might assure proper control? This leads us to the conclusion that there are no real and effective mechanisms in the region to control illegal plantings that could contaminate native seed stocks.

Based on this incomplete information, there is no certainty that to date GM maize has not been planted within indigenous peoples' lands, since contamination may take place through many routes. What is known from available information is that GM maize has been planted in areas close to the Zenú people's San Andres de Sotavento reservation, in the departments of Córdoba and Sucre.

III.D. Responses by Indigenous Peoples and Civil Society

Faced with the fact that the government action is insufficient to protect their rights, indigenous groups and civil society organizations have assumed the responsibility to defend their rights and challenge government policy. Two notable efforts discussed in more detail below are a growing movement to declare indigenous territories to be GMO-free zones, and legal challenges to the government's approval of GM maize.

As a response to the planting of GM crops, the deepening agricultural crisis, and failures of models based on the "green revolution," several indigenous organizations from different regions of the country are promoting and implementing agro-ecological and productive projects based on managing biodiversity and promoting native seeds and traditional knowledge. Indigenous farmers understand that if they allow their seeds to be lost or to fall under the control of a few seed companies that would like to impose a standardization of agricultural techniques, then farmers and indigenous peoples will lose control of their seeds, their production systems, and their food sovereignty as a whole.

Currently indigenous peoples are constructing strategies to address the problem of GMOs, including actions such as:

- Pressuring the government to allow indigenous peoples and citizens generally to exercise their right to participate in the process of evaluating, monitoring and decision making concerning the release of GMOs; to allow access to the true and complete information about these technologies; and to consult with local communities in making decisions about the release of GM crops.
- Recovering, managing and exchanging at a local level both native seeds and methods of maintaining traditional production systems free of GM seeds.
- Rejecting government or private agricultural development projects or food aid that promote or use GM seeds and foods.
- Raising awareness among and providing training to the general public on the issue of GMOs, through workshops, seminars, meetings and fairs; promoting public debate and disseminating information on the subject.
- Coordinating actions, campaigns, and the establishment of strategic partnerships with different sectors of society involving local organizations and communities, farmers and consumers, the media, the scientific and academic communities, and movements and environmental NGOs, among others.
- Filing and supporting lawsuits challenging the introduction of GM crops in Colombia.

Local initiatives by indigenous peoples have been made independently, without government support and often in defiance of government policy. They aim not only to defend local seeds,

maize in particular, but also to prevent the introduction of GM maize on their territories and recover and consolidate traditional production systems and food security.

III.D.1. GMO-Free Territories

The declaration of GMO-Free Territories is based on indigenous peoples' right to exercise the powers of government, autonomy and territorial control, and to make decisions concerning the actions and projects that affect them, consistent with the special rights conferred by ILO Convention 169 and also the Colombian Constitution and laws. In 2005, the Reservation of San Andrés de Sotavento was the first indigenous territory declared to be GMO-free.⁵³ Currently in the country several indigenous organizations – particularly communities in Cauca that are part of CRIC and ACIN, and the Embera Chami people from the Cañamomo Reservation near Riosucio in Caldas – are moving toward declaring their territories to be free of GMOs. This decision is very important, because it creates a dynamic in these indigenous communities that promotes implementing actions to prevent GMOs from entering their territories, and goes far beyond the government prohibition on planting GM maize in indigenous reservations, and its 300-meter buffer zone.

The Zenú indigenous reservation of San Andrés de Sotavento straddles the departments of Córdoba and Sucre, in Colombia's Caribbean coastal region. Colonial in origin, the territory covers 83,000 hectares (205,000 acres), although only around 20,000 hectares of this territory is legally titled. The reservation is made up of 177 councils located in six municipalities. Per the Political Constitution of Colombia and ILO Convention 169, this indigenous territory has the autonomy to exercise its own governance and is entitled to a special territorial jurisdiction.

The Zenú people have a strong agricultural tradition, and so their territory includes a wide variety of crops that sustains their food sovereignty and their culture. Currently the Zenú preserve and cultivate more than 25 maize landrace varieties, and have a broad culinary culture based on this sacred food. It is due to this that they consider themselves the “children of maize.”

For almost 10 years various communities and indigenous organizations in the area have been carrying out activities to recover and manage native seeds and traditional and agro-ecological production systems. In 2001, together with other organizations in the Caribbean region, they launched the “Seeds of Identity” campaign, through which they have promoted the rescue of landrace maize varieties and other traditional seeds.

One of the biggest concerns that the Zenú people have with GM crops is the fact that the center of maize diversity in the Zenú region is located near the area where technologically intense plantings of maize have been established in the Caribbean region, which is where the government and multinational seed companies are now introducing GM maize. This has created great uncertainty concerning the genetic contamination of the diverse native varieties of maize, would follow from the commercial release of GM maize in the Caribbean region. For the past several years, this uncertainty has spurred the Zenú people to begin a process of training, discussion and information sharing on this subject, in which communities, producer associations and indigenous authorities from the reservation participate.

⁵³ See the Declaration of the Indigenous Reservation of San Andrés de Sotavento as a GMO-Free Territory, Annex.

In October 2005, during a regional meeting attended by representatives from 170 councils, the Zenú indigenous communities from Cordoba and Sucre – comprised of council captains, indigenous authorities and producer associations – declared the indigenous reserve of San Andrés de Sotavento to be a “GMO-free territory.” This decision was momentous for the Caribbean region and for Colombia as a whole: it was the first time a zone in Colombia was declared GMO-free. The declaration was protected by the constitutional rights held by the Zenú people, which allow them to take steps to protect their land, their biodiversity and their food sovereignty from the real threat posed by the large industrial-scale plantings of GM maize and cotton established close to their traditional territory.

The Zenú people hope and expect that state institutions and government authorities will support and respect their decision, and will take the necessary measures to ensure that agricultural development programs and food aid directed towards indigenous peoples neither promote nor deliver GM seeds or GM food. The Zenú also hope for support and solidarity from civil society organizations and the media.

III.D.2. Judicial Complaints Against GM Maize Permits

Given the irregular way in which the planting of various types of GM maize was approved in Colombia, in May 2007 Grupo Semillas filed two *acciones de nulidad* (procedures seeking the nullification of a regulation or permit) in the *Consejo de Estado* (a national adjudicatory body). The actions challenged the ICA’s authorizations of Monsanto’s YieldGuard Bt maize and Dupont’s Herculex I maize. The complaints argue that ICA’s resolutions violate Article 23 of Law 740 of 2002, which ratified the Cartagena Protocol on Biosafety and its provision that “the public should be consulted in all decisions taken in relation to GM organisms.” Clearly, the ICA did not consult with the public in allowing these plantings of GM maize, and failed in particular to consult with indigenous, Afro-Colombian and peasant communities who are most directly affected by the decision. In May 2008 the Consejo de Estado agreed to review the challenge to the approval of Dupont’s Herculex I maize; it agreed to review the approval of Monsanto’s YieldGuard Bt maize in April 2008. Currently, proceedings are underway in each case.

IV. The Colombian State’s Reckless Policy and Practice with Regard to GMOs Has Violated, is Violating, and Threatens to Continue Violating the Rights of Indigenous Groups in Colombia.

Because the government is not undertaking studies to assess the extent of genetic contamination, and at present indigenous groups and their allies in civil society do not have the resources necessary to carry out such studies on their own, it is impossible to say precisely which indigenous rights have already been violated and which will be violated in the future if the Colombian State’s current policies and practices remain the same. What can be said is that the government has already violated and continues to violate indigenous peoples’ rights to self determination, prior consultation, and participation in actions to protect their rights, culture, resources and environment. The policies and practices concerning the introduction of GMOs into the country also threaten to violate indigenous peoples’ rights to life, property, culture, food, health, and a healthy environment. This section enumerates the relevant rights and how they are impacted by the government policy on GM seeds.

IV.A. The Right to Self Determination

The right to self determination is guaranteed by Article 1 of the International Covenant on Economic, Social and Cultural Rights (CESCR),⁵⁴ and by Article 1 of the International Covenant on Civil and Political Rights (ICCPR).⁵⁵ At all relevant times, Colombia was a party to both treaties.

The right of self determination is a collective right that has been considered applicable to indigenous peoples,⁵⁶ though not a valid basis for individual human rights claims.⁵⁷ The Colombian State's policy concerning GM seeds, which as currently formulated will result in the contamination of indigenous territories, has violated indigenous peoples' rights to "freely determine their political status and freely pursue their economic, social and cultural development." Moreover, it has affected and will continue to affect to an increasing degree indigenous peoples' ability to freely dispose of their natural wealth and resources, and threatens to deprive them of their own means of subsistence.

IV.B. The Right to Prior Consultation

The right to prior consultation is protected by Articles 6 and 7 of ILO Convention 169 (ILO 169). At all relevant times, Colombia was a party to ILO 169.

Article 6.1(a) requires that "In applying the provisions of this Convention, governments shall: (a) consult the peoples concerned, through appropriate procedures and in particular through their representative institutions, whenever consideration is being given to legislative or administrative measures which may affect them directly." In this case, the Colombian State did not consult the peoples concerned, either in regard to Decree 4525 or during the process of approving the release of any GM seed. The government has provided no justification for not consulting with indigenous peoples before issuing Decree 4525, an administrative measure that approved technologies likely to directly affect them.

With respect to the various approval processes for GM seeds, the position of the Colombian State is that the indigenous peoples will not be directly affected because the GM seeds may not

⁵⁴ CESCR Art. 1:

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

⁵⁵ The language of the ICCPR provision is identical to that of the CESCR provision.

⁵⁶ See, for example, Concluding Observations on Canada, paragraph 8. UN doc. CCPR/C/79/Add.105 (1999); Concluding Observations on Mexico, UN doc. CCPR/C/79/Add.109 (1999); Concluding Observations on Norway, UN doc. CCPR/C/79/Add.112 (1999); Concluding Observations on Australia, UN doc. CCPR/CO/69/AUS (2000); Concluding Observations on Denmark, UN doc. CCPR/CO/70/DNK (2000).

⁵⁷ *A.D. v. Canada* (Communication No. 78/1980), Views adopted 20 July 1984, Report of the Human Rights Committee, GAOR, Thirty-ninth Session, Suppl. No. 40 (A/39/40), pp. 200–204. *Ivan Kitok v. Sweden* (Communication No. 197/1985), Views adopted 27 July 1988, Report of the Human Rights Committee, GAOR, Forty-third Session, Suppl. No. 40 (A/43/40), pp. 221–241.

be planted in indigenous territories and there is a 300-meter buffer zone mandated between the release of GM seeds and indigenous territories. However, as was demonstrated above, this position is based on a mistaken and reckless argument by the State, which is based on incomplete and flawed scientific studies that suggested that a 300m buffer zone is sufficient, and which ignores indigenous peoples' legitimate claims to their traditional territories.

Article 6.1(c) requires state parties to “establish means for the full development of these peoples' own institutions and initiatives, and in appropriate cases provide the resources necessary for this purpose.” In this case, the Colombian State has recognized the declaration by the Zenú people that their territory is GMO-free, but has established neither the means nor the resources in government institutions for the full implementation of this decision. Considering that any contamination of indigenous peoples native seed stocks would cause irreversible damage to their culture and livelihood, the State has an obligation to implement the necessary measures to protect the genetic patrimony of the nation as well as the territories and native seeds of indigenous peoples.

ILO Convention 169, Article 7.1, provides that “The peoples concerned shall have the right to decide their own priorities for the process of development as it affects their lives, beliefs, institutions and spiritual well-being and the lands they occupy or otherwise use, and to exercise control, to the extent possible, over their own economic, social and cultural development. In addition, they shall participate in the formulation, implementation and evaluation of plans and programmes for national and regional development which may affect them directly.” In this case, the indigenous peoples of Colombia are trying to control the process of development with respect to the protection of seeds that are central to their culture and their livelihoods. However, this control is jeopardized by the fact that they have not been included in the formulation, implementation and evaluation of the national and regional development plans and programs that are likely to directly affect them.

Article 7.3 of ILO Convention 169 directs that “Governments shall ensure that, whenever appropriate, studies are carried out, in co-operation with the peoples concerned, to assess the social, spiritual, cultural and environmental impact on them of planned development activities. The results of these studies shall be considered as fundamental criteria for the implementation of these activities.” Here, the Colombian State has resolutely refused to accept the fact that the release of GM seeds into the ecosystems surrounding indigenous peoples' territories will affect those indigenous peoples' social, cultural and spiritual situation, as well as their environment. Rather than conduct the sort of studies required by ILO 169, the Colombian State conducted flawed scientific studies to support its conclusion that GM seeds would not contaminate indigenous peoples' native seed stocks.

IV.C. The Right to Participate in Actions to Protect Indigenous Peoples' Rights, Culture, Resources and Environment

Articles 2, 4, 7 and 15 of ILO Convention 169 together provide that indigenous peoples must be able to participate in the process of developing policies and actions that respect and protect their economic, social and cultural rights, including their social and cultural identity, their environment and the natural resources on their territories.

Article 2 provides that: “Governments shall have the responsibility for developing, with the participation of the peoples concerned, co-ordinated and systematic action to protect the rights of

these peoples and to guarantee respect for their integrity,”⁵⁸ and that “[s]uch action shall include measures for... promoting the full realisation of the social, economic and cultural rights of these peoples with respect for their social and cultural identity, their customs and traditions and their institutions.”⁵⁹ In this case, the Colombian State has developed an action that it claims will protect the rights of indigenous peoples, but has failed to do so with the participation of interested peoples. As such, the government has adopted certain measures that, it asserts, are sufficient to protect indigenous resources, cultures and environments, but has neither complied with what is required by Article 4.1 — “Special measures shall be adopted as appropriate for safeguarding the persons, institutions, property, labour, cultures and environment of the peoples concerned” — nor has acted in consonance with the desires expressed by interested peoples, as required by Article 4.2: “Such special measures shall not be contrary to the freely-expressed wishes of the peoples concerned.” The desires clearly stated by the Zenú people, among others, are that GM seeds and food not infringe on their territories, and that the State adopt measure that are sufficient to prevent the genetic contamination of their native seeds.

Likewise, Article 7.4 states that “Governments shall take measures, in co-operation with the peoples concerned, to protect and preserve the environment of the territories they inhabit.” Here, the State has taken measures, but without the cooperation of interested peoples; had the government consulted with and acted in cooperated with indigenous peoples, the measures would surely have been more likely to effectively protect and preserve the environment of indigenous peoples’ territories.

Finally, Article 15 provides that “The rights of the peoples concerned to the natural resources pertaining to their lands shall be specially safeguarded. These rights include the right of these peoples to participate in the use, management and conservation of these resources.” The government has violated the right of indigenous peoples to participate in the policies and actions taken to conserve one of their most important natural resources, their native seeds; as a result, the right to special protection of those resources is in jeopardy.

IV.D. The Right to Life

The right to life is protected by Article 3 of the Universal Declaration on Human Rights (UDHR),⁶⁰ Article 6 of the ICCPR,⁶¹ and Article 4 of the American Convention on Human Rights (ACHR).⁶²

The Interamerican Court of Human Rights, in its decision in *Yakye Axa v. Paraguay*,⁶³ understood the right to life in relation to other rights necessary for a dignified life. The question is

⁵⁸ ILO Convention 169, Art. 2.1.

⁵⁹ ILO Convention 169, Art. 2.2(b).

⁶⁰ UDHR Art. 3: “Everyone has the right to life.”

⁶¹ ICCPR Art. 6: “Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”

⁶² ACHR Art. 4: “Every person has the right to have his life respected. This right shall be protected by law and, in general, from the moment of conception. No one shall be arbitrarily deprived of his life.”

⁶³ *Caso Comunidad Indígena Yakye Axa c. Paraguay*, Sentencia del 17 de Junio de 2005. Serie C no. 125.

whether the policies and practices of the State are “generat[ing] conditions that obstruct or make difficult a dignified existence.” The State has to take positive measures to protect the right to a dignified existence, adequately taking into account “the situation of special vulnerability to which [indigenous peoples] have been placed, affecting their different form of living (systems of understanding the world that are different from those of western culture, including the broad relation that they maintain with the land), and their life project, in both its individual and collective dimensions.”⁶⁴

According to *Yakye Axa*, these positive measures should be evaluated “in light of the international *corpus juris* that exists concerning the special protection that members of indigenous communities require, in light of what is expressed in Article 4 of the Convention in relation with the general duty to guarantee [life] contained in Article 1.1 and with the duty of progressive development contained in Article 26; and [in light] of Articles 10 (Right to Health), 11 (Right to a Healthy Environment), 12 (Right to Food), 13 (Right to Education) and 14 (Right to the Benefits of Culture) of the Additional Protocol to the American Convention concerning Economic, Social and Cultural Rights, and the pertinent statements in ILO Convention 169.”⁶⁵

The positive measures taken by the Colombian State are insufficient to assure the protection of the native seeds, cultures and livelihoods of indigenous peoples; they are insufficient to protect the right of indigenous peoples to a dignified existence.

IV.E. The Right to Property

The right to property is protected by Article 17 of the UDHR⁶⁶ and Article 21 of the American Convention.⁶⁷ Colombia is a party to these instruments.

The policies of the Colombian State concerning GM seeds threatens to violate the collective right of indigenous peoples to their native seeds, a form of cultural property, as well as the individual rights of members of these peoples. Although no studies have confirmed or disconfirmed the contamination of indigenous peoples native seeds, it can be stated that the government’s positive measures to protect those rights are insufficient. Because the arbitrary deprivation of indigenous peoples’ property in the form of native seeds will be permanent and irreversible, it will not be reparable by a simple payment of compensation.

According to the jurisprudence of the Interamerican Court on Human Rights, the Colombian State also violated the right to property of indigenous peoples when it approved the use of GM seeds. Those approvals will affect the environment in traditionally indigenous territories, and took

⁶⁴ *Yakye Axa*, para. 163.

⁶⁵ *Yakye Axa*, para. 163.

⁶⁶ UDHR Art. 17: 1. Everyone has the right to own property alone as well as in association with others.
2. No one shall be arbitrarily deprived of his property.

⁶⁷ ACHR Art. 21:

1. Everyone has the right to the use and enjoyment of his property. The law may subordinate such use and enjoyment to the interest of society.

2. No one shall be deprived of his property except upon payment of just compensation, for reasons of public utility or social interest, and in the cases and according to the forms established by law.

place without prior consultation or consent by the indigenous communities that will be affected by the use of GM seeds.⁶⁸

IV.F. The Right to Culture

The right to culture is guaranteed by Article 15 of the CDESCR,⁶⁹ Article 27 of the ICCPR,⁷⁰ and Article 14 of the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (“San Salvador Protocol”).⁷¹ At all relevant times, Colombia was a party to each of these treaties.

Under the jurisprudence of the Committee on Civil and Political Rights, minorities groups’ right to “enjoy their own culture” has been interpreted so as to include “a particular way of life associated with the use of land resources, especially in the case of indigenous peoples. That right may include such traditional activities as fishing or hunting and the right to live in reserves protected by law.”⁷² The policies of the Colombian State concerning GM seeds threaten to violate indigenous peoples’ rights to the benefits of their culture, and may have done so already, by depriving indigenous peoples of the cultural benefits of their native seeds through the creation of conditions by which their native seeds may be contaminated.

IV.G. The Right to Food

The right to food is guaranteed by Article 25 of the UDHR,⁷³ Article 11 of the CDESCR,⁷⁴ and

⁶⁸ See *Caso del Pueblo Saramaka v. Suriname*, Sentencia de 28 de Noviembre de 2007. Serie C No. 172.

⁶⁹ CDESCR Art. 15: “The States Parties to the present Covenant recognize the right of everyone... To take part in cultural life.”

⁷⁰ ICCPR Art. 27: “In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.”

⁷¹ San Salvador Protocol Art. 14: The States Parties to this Protocol recognize the right of everyone... to take part in the cultural and artistic life of the community.

⁷² ICCPR General Comment No. 23: The rights of minorities (Art. 27), adopted on 8 April 1994, CCPR/C/21/Rev.1/Add.5, para. 7.

⁷³ UDHR Art. 25: “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food.”

⁷⁴ CDESCR Art. 11:

1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:

(a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;

Article 12 of the San Salvador protocol.⁷⁵ At all relevant times, Colombia was a party to each of these treaties.

“The availability of food in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture” is implied by the core content of the right to food.⁷⁶ The policy and practice of the Colombian State concerning GM seeds threatens to contaminate indigenous peoples’ native seed stocks with adverse substances that are unacceptable to their cultures. Because the transmission of these adverse substances is imperceptible without appropriate technology currently inaccessible to indigenous peoples, it is clear that contamination will alter the natural state of traditional seeds and foods, but it remains unclear if indigenous peoples’ right to culturally appropriate food has already been violated, or whether such a violation is simply imminent.

IV.H. The Right to Health

The right to health is guaranteed by Article 12 of the CESCR:

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.
2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for... The improvement of all aspects of environmental and industrial hygiene.

The right to health is also guaranteed by Article 10 of the San Salvador Protocol, which provides that “Everyone shall have the right to health, understood to mean the enjoyment of the highest level of physical, mental and social well-being.” At all relevant times, Colombia was a party to the ICESCR and the San Salvador Protocol.

Scientific studies have demonstrated that there is cause to believe contamination of the food supply and the environment by GM seeds and their associated technologies such as glyphosate has severe negative impacts on human health. The Colombian State has disregarded this evidence in developing and implementing its policy concerning GM seeds, as well as in its policy of fumigation that relies on glyphosate. It has violated the right of indigenous peoples, and indeed all Colombian citizens, to enjoy the “highest attainable standard of physical health” by disregarding its duty to adopt necessary measures based on the application of the precautionary principle to protect the environment and public health.

IV.I. The Right to a Healthy Environment

The right to a healthy environment is protected by Article 11 of the San Salvador Protocol, which provides that:

(b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

⁷⁵ San Salvador Protocol Art. 12: “Everyone has the right to adequate nutrition which guarantees the possibility of enjoying the highest level of physical, emotional and intellectual development.”

⁷⁶ Committee on Economic, Social and Cultural Rights, General Comment 12: The right to adequate food (Art.11) : E/C.12/1999/5. (Twentieth session, 1999), <http://www.unhcr.ch/tbs/doc.nsf/0/3d02758c707031d58025677f003b73b9?Opendocument>

1. Everyone shall have the right to live in a healthy environment and to have access to basic public services.
2. The States Parties shall promote the protection, preservation, and improvement of the environment.

With respect to its policy concerning GM seeds, the Colombian State has violated its duty to protect, preserve and improve the environment, in violation of its citizens' right to live in a healthy environment.

V. Conclusions and Recommendations

V.A. Conclusion

The policy and practice of the Colombian State concerning GM foods and crops has been developed and applied in a unilateral manner, without any prior consultation with or participation of the indigenous peoples whose cultures and livelihoods will be directly affected. This constitutes a violation of the rights of indigenous peoples to self-determination, prior consultation, and participation in the development of means of protecting their rights to their culture and their natural resources.

This policy has been based on incomplete scientific studies that have failed to take into account the real likelihood that GM seeds will contaminate native seeds, and the real likelihood that they will negatively affect human health and the environment. Studies have not been carried out to examine the socioeconomic or cultural impact of the release of GM seeds into traditionally indigenous territories. The policy and practice of the Colombian State, if not immediately changed, threatens to violate – and may already have violated – the rights of indigenous peoples to life, property, culture, food, health, and a healthy environment.

Taking into account these violations of indigenous peoples' collective and individual rights, we respectfully ask the Committee on Economic, Social and Cultural Rights consider the following recommendations for the Colombian State:

V.B. Recommendations for the Colombian State

A. Recognize the scientific evidence concerning the threat GMOs pose for the contamination of native seed stocks, human health, and the environment, and establish a **total moratorium** on further planting of GM seeds, until scientific proof establishes their complete safety and harmlessness.

B. Provide to the general public complete and true information concerning the GM crops that are expected to be released; conduct processes of prior consultation with indigenous peoples in particular, as is required by domestic and international law.

C. Carry out scientific, socioeconomic and cultural studies to fully assess the risks and impacts generated by the release of GM seeds which may affect the rights of all Colombians, and in particular those of indigenous and afro-Colombian peoples. Evaluate the results of these studies and make decisions according to the precautionary principle, as is required by Colombian and international law; permit access and disseminate all results to all citizens.

D. Repeal Decree 4525, which regulates the Cartagena Protocol, and enact in its place a

biosafety law that considers all environmental, socioeconomic and health concerns in a holistic and scientifically rigorous manner, and which takes into account the process of prior consultation with the indigenous peoples who will be directly affected.

E. Repeal all authorizations that have been issued for the commercial introduction and release of GM foods and crops anywhere in Colombian territory, and adopt all necessary positive measures to protect the rights of all Colombians, especially indigenous peoples, to participate in decision-making concerning the introduction of GMOs.

F. Recognize on behalf of state institutions and in all applicable regulation the right that indigenous peoples have to declare their territories free from GMOs, and support the carrying out and application of such citizen initiatives.

Association of Indigenous Councils of Northern Cauca

(Asociación de Cabildos Indígenas del Norte del Cauca, ACIN)

Regional Indigenous Council of Cauca

(Consejo Regional Indígena del Cauca, CRIC)

Council of the San Andrés de Sotavento Indigenous Reservation

(Cacique Mayor del Resguardo de San Andrés de Sotavento)

Seeds Group

(Corporación Grupo Semillas)

March, 2010

ANNEX

Declaration of the Zenú Indigenous Reservation, Cordoba and Sucre,

as a GMO-Free Territory

San Andrés de Sotavento, October 7, 2005

More than 300 Zenú indigenous leaders and officials from 177 Councils located in the municipalities of San Andrés de Sotavento, Sampués, San Antonio de Palmito, Purísima, San Antero, Lorica and Momil in the departments of Cordoba and Sucre; as well as the producer organizations ASPROAL, ASPROINSÚ, ASPROINPAL, APRALSA, Association of Artisans of San Andrés de Sotavento, and the Agro-Ecological Network of the Caribbean (RECAR); and educational institutions, teachers and students belonging to the Zenú Reservation of San Andrés de Sotavento gathered during the October 6th and 7th, 2005 in San Andrés de Sotavento. We make the following determinations:

Given that

1. The Zenú Indigenous Reservation of Cordoba and Sucre was created by royal letter No. 1060 of 1773, with an area of 83,000 hectares.
2. According to Law 89 of 1890, the Political Constitution of Colombia, and Law 21 of 1991 ratifying ILO Convention 169, the territories of indigenous peoples are inalienable and indefeasible, and these peoples have the autonomy to exercise their own government, the right to special territorial jurisdiction, the right to social, legal, economic, spiritual and cultural control over the territory, its resources and their knowledge, and the right to prior consultation and to take measures and actions against projects and activities affecting their cultural integrity.
3. Colombia and especially the Caribbean region is an important center of diversity for maize and other crops, where there is an enormous diversity of native varieties, the fruit of collective work of thousands of generations of farmers, who have developed these varieties adapted to different regions and to particular cultural, socioeconomic and productive conditions.
4. For Zenú indigenous communities, maize is a key element of and means of support for our culture, for our production systems, and for the food sovereignty of our people. Currently we conserve and cultivate more than 25 native varieties of maize, and we possess a broad-based culinary culture based on this sacred food; it is because of this that we consider ourselves to be the “children of maize.”
5. The center of diversity for maize in the Zenú region is located near the area where technologically intensive plantings of maize have been established in the Caribbean region. Given that maize is a crop that is easily cross-bred, a real threat exists that GM seeds are will cross with and contaminate our native varieties.
6. In the world there are questions and doubts about the potential risks and impacts of GM crops and foods. Additionally, not enough studies have been conducted to ensure the safety and benefits of GM seeds and foods for the country and its indigenous communities.
7. Currently there exist strong pressures for the privatization of biodiversity through patents held by multinationals, with the support of the state.
8. The Free Trade Agreement that the Government of Colombia will sign with the United States will allow free entry of maize and other imported GM products, which will lead to negative impacts on our seeds, agriculture and food security.
9. In its policy for the agricultural sector, the national government has prioritized the commercial release of GM crops, ignoring the concerns and critical perspectives posed by civil society, indigenous and peasant organizations, and environmental organizations.
10. Many regions throughout the world – in Europe, America, Asia and Latin America – have declared GMO-free zones.

Based on the foregoing, we declare: “Our Zenú indigenous reservation in Cordoba and Sucre is a GMO-Free Territory.” To achieve this goal, we adopt the following determinations and take actions such as:

In government

We demand that municipal, regional, and national government:

1. Respect and adopt the decision of Zenú indigenous peoples to declare their territory to be GMO-Free, and support the reservation’s indigenous authorities in the activities of control and monitoring of GM crops and food that may enter the territory.
2. Take the measures necessary to ensure that government programs and agricultural development aid directed towards indigenous people neither promotes nor delivers GM seeds or food.
3. Support indigenous communities’ development and production programs and initiatives that are based on the use of native seeds and agro-ecological farming.

4. The food aid programs of ICBF (Colombian Institute of Family Welfare) and other institutions should ensure that GM foods are not used, especially those based on soy, bienestarina (a protein powder distributed by the ICBF), and maize. Food aid should be based on the use of healthy products that are produced locally.
5. We do not accept the intention of the national government, Monsanto, and DuPont to introduce GM maize into the country, especially in the Caribbean region, since it is a center of diversity.
6. We reject the permits issued by ICA for field trials with different types of GM maize, which have been genetically modified to resist pests (Bt and/or herbicides).
7. We ask local authorities (mayors' offices and municipal agricultural extension units (UMATAS)), regional authorities (Colombian Family Welfare Institute (ICBF), Sinu Valley Regional Development Authority (CVS), Sucre Regional Development Authority (CARSUCRE), National Training Service (SENA), and universities) and national authorities (Technical Committees (CTN), Colombian Agricultural Institute (ICA), the Ministry of Environment) to establish mechanisms for controlling, restricting and monitoring necessary to prevent GM maize and other GM products from entering our territory.

Civil society organizations:

1. We ask the civil society organizations to respect, assume, disseminate and support the declaration of the Zenú Indigenous Reservation as a GMO-Free Territory.
2. We ask the media to support this initiative and to disseminate at the regional and national levels.
3. We invite other indigenous, Afro-Colombian, and peasant organizations to declare their territories free of GMOs.

As indigenous authorities and communities we commit ourselves to:

1. Recover, preserve and defend our seeds, traditional production systems, culture and food sovereignty based on sustainable agro-ecological systems.
2. Conduct training activities and disseminate information about strategies to control and defend our seeds against the introduction of GM foods and crops in our reservation.
3. In each community and council, and in the reservation, we will be vigilant and attentive to any situation related to the introduction of GM seeds and food in our territory.
4. Draw up internal rules for the Zenú Indigenous Reservation, which will establish mechanisms for the control and protection of traditional seeds, as we confront the privatization of life and bio-piracy, and as we seek to prevent the introduction of GM seeds and food in our territory.
5. Publicly denounce cases that run counter to this determination and seek to ensure that competent authorities in the field take the necessary measures.

Done in San Andrés de Sotavento on October 7, 2005

Attached signatures:

Regional Chief (Regional Council)

Municipal Chief (Municipal Council)

Board of Councils of San Pedro de Alcantara

Board of Councils of San Antonio de Palmito

Answer of the UN-committee:

The United Nations Human Rights Committee calls for stop of human rights violations in Colombia:

A stop of GM maize in Colombia prevents the increasing poverty and malnutrition and guarantees the preservation of the livelihood of the indigenous people

Christiane Lüst of the "Aktion GEN-Klage", together with the Colombian NGO Grupo Semilla, has submitted lawsuit against the Colombian government for human rights violations through the use of genetic engineering in agriculture before the Human Rights Committee of the United Nations..

After 3 weeks of session, The United Nations Human Rights Committee has published the call on the Colombian government in its Concluding Observations to end the human rights violations immediately.

The Committee forces the Colombian government to reduce and fight against poverty effectively, especially against hunger and malnutrition. The Committee requests that the government should prioritize food production for their own consumption and not for export in their agricultural policies and that should encourage small farmers and support them in their independence.

"In Colombia, the government has allowed the cultivation, inter alia of different varieties of GM maize during the last years. The Colombian natives and small farmers have about 30 varieties of maize through their cultivation they secure their food basics. This is now irrevocably threatened by contamination by GM corn. The mandatory safety distances of 300 meters do not protect, as examples from Mexico or Canada prove "said German Velez." The urging of the Committee to the government means an immediate stop of GMO seeds.

Only this way food sovereignty can be protected by the old maize varieties, in order to guarantee the preservation of the livelihood of the indigenous people. In Colombia, 70% of food products are already imported, the trend is rising, and rural exodus and poverty increase dramatically. "

Christiane Lüst took already legal actions against the consequences of genetic engineering in agriculture in Austria, Canada, India and Brazil at the United Nations Human Rights Committee in the past years.

"The first time the UN Committee reprimanded the introduction of genetic engineering in agriculture as a violation of human rights against India and forced the government to protect the access of farmers to the old reusable seed and eliminate their dependence on corporations. Just like last year against Brazil due to a stop of deforestation of the rain forest which is mostly converted to acreage of GM soya. This is to prevent further destruction of the livelihoods of indigenous peoples and small farmers, land concentration, slave labor, rural exodus and increased poverty. " said Lüst.

Here is the original text:

<http://www2.ohchr.org/english/bodies/cescr/cescrs44.htm> (May 2010 Colombia concluding observations)

6.) Germany, march 2011:

Parallel Report to the 5th State Report of the Federal Republic of Germany on the Implementation of the International Pact on Economic, Social and Cultural Rights

Social Human Rights in Germany

Violation of Human Rights in Agriculture

the Right of Self-Determination
on Food
on Health
on Freedom of Sciences & Research
of Bee-Keepers and Consumers

The information given in this report focusses upon the consequences of a highly alarming global development which not only ignores worldwide scientific expertise and practical experiences of farmers and consumers in many countries but massively and even fatally violates their economic, social and cultural rights by implementing genetically modified organismen (GMO) in food production and agriculture. During the last years a couple of countries (Austria, Canada, India, Brazil, Colombia) brought parallel-reports on these consequences and human rights violations before the committee. And the committee has already acknowledged these violations as unlawful.

Europe is effected by an unruly development – more and more genetically modified food and crops are permitted, grown and imported.

In Germany

- the cultivation of the genetically modified potato Amflora has been approved, although the GM-Potato contains Antibiotic Resistance Marker Genes, which are posing risks for medical and veterinary treatment and in general for the human health and therefore are actually prohibited for more than 5 years by EU-law.
- the German Government is discussing the end of a ban of GM-maize MON 810, allowing the cultivation again in 2011. Many other European countries although have prohibited it for much longer or permanently due to the uncontrollable consequences in the last years. Based on the same alarming studies the German Government has previously stopped the cultivation only 2 years ago. To avoid further complication a decision is apparently planned only after an expert meeting in private. There is no public discussion planned.
- Our animals are fed with GM feed in large quantities (about 80 % of the entire GMO goes into feed production) - research shows massive and even life-threatening health problems due to this;
- food with more and more genetically modified additives is allowed.

- Last but not least another point has to be added to the list: the research through field trials, where pollen count with its uncontrollable pollen flight.

Required safety zones don't provide the necessary protection, the separation during transport and processing doesn't work and the first wild GMO-seeds coming loose throughout Germany without any control. Every year we do have more and more scandals, where more and more contaminated and not allowed seed circulates or will put in circulation. For the most public authorities these cases, coming to publicity, were more than they could handle.

All this happens on the background of unknown risks. Money will be given only for pro-GMO-research and the lack of long term studies avoid any objective view to possible consequences. A few studies, having done this long term research, are showing all frightening results about the consequences for men and nature.. Instead of further research about these risks, the scientists publishing those studies about negative consequences of GMO often lose their job, getting a ban of speaking and further publishing and discreditation.

In other countries these consequences, caused by planting GMOs just for many years, are just visible and should give us a warning about that, what could happen also here – but in Europe this is completely ignored. But not to ignore is the prejudice of the responsible persons – more and more key-positions in the process of GMO-approvals have clearly connections to the giant agro-industrial companies – persons at the approval-instance of EU, the EFSA, but also in Germany.

This results just also in Germany in widespread consequences being never to cancel again – once released GMO-plants are spreading more and more – violating just now here in Germany the human rights of self-determination, the right of food, health and freedom in sciences and research. In the most cases the justice is protecting the polluter, compensations for damages assessed much too low and not covering the real costs – not speaking about the consequences of the contamination not possible to stop anymore.

We are very concerned about this development further increasing by further planned steps of the government raising the contamination-limits, allowing the cultivation of further GMOs, etc.

We are urging the German government

- to forbid immediately the implementation and use of GMO in the area of animal-feeding, food production and agriculture in Germany
- to introduce a clearly mark for all GMO-products and GMO-uses in food for humans - but also in feed stuff for animals and all products from animals – until this general prohibition is guilty.
- to stop immediately all GMO-field trials in Germany
- to protect and preserve GMO-free seed of 100 % not allowing GMO-Seed-contamination by law.

We are requesting the committee on economic, social and cultural rights to present its concerns about the implementation of GMO in Germany and to formulate recommendations to the German Government on how to end these violations.

Christiane Lüst
court action gmos / Aktion GEN-Klage

March 2011

List of content:

1. Introduction
2. Situation in Germany – reasons for the human-right-violations
3. Violations of Rights of People concerning Self-determination (Art. 1)
4. Violation of the Right on Food (Art. 11)
5. Violation of the Right on Health of Body & Soul (Art. 12)
6. Violations of the Right on Freedom of Sciences & Research (Art. 15)
7. View to planned steps of Government for 2011 leading to an increase of the named human-right-violations and the situation of the concerned people in Germany
8. Steps in order to ensure the Rights of farmers and consumers

1.) Introduction

The following publications are giving a good first overview about the actual situation in Germany:

- **GMO-seeds-scandals:**

Last years the headlines often reported about founded GMO-seeds everywhere in Germany – from in Europe prohibited GMO-plants! The administrative bodies don't react or react often to slow – for this the state Niedersachsen – a part of the federal republic of Germany - became a lawsuit for doing nothing to avoid this scandale.

Contamination of seed – GMO-maize for all

Consumers feel powerless being confronted with the proceeding contamination of the seed with seed from genetic modified plants. The finding of contaminated seed shows how powerless consumers are really. Although the authorities discovered the contamination early enough for destroying it on the way of biogas-power stations – the case is a warning: Even though seeding GMO-Maize is not allowed in Germany – the grains finding their way to our fields – and not the first time!

Just 2009 in Baden-Württemberg and Rheinland-Pfalz has been similar cases.

And somewhere else has been found GMO in food - never fetching it back again. The contamination of seed is a problem. (08.06.2010, Süddeutsche Zeitung S. 4)

- **Amflora-scandal – seed of forbidden GM-potatoes in Europe:**

„The release-scandals of forbidden GM-potatoes in summer 2010 showed, that BASF didn't has the cultivation under controll. The statement of BASF: “We ask ourselves how this could be happend” (SZ 9.09.10 S. 1) is showing now completely, that coexistence – like always guaranteed by politics – is not possible. Nothing we have under control – all releases of GM-plants are not controllable and to stop immediately!” (*Network Court Actions against GMOs, summer 2010*).

- Judgement beekeeper Bablok: **„GM-maize makes honey unsalable**

The administrative tribunal of Augsburg judged on 30. may 2008, that honey containing polls of gm-maize MON810 is not allowed for sale. Even the least traces of such pollen lead to the forfeiture of marketability of honey, as the GMO maize of Monsanto Company does not dispose of a market approval as food. Apart from that it is a great success, that the court viewed the maize cultivation as "material intereference" within the meaning of german genetic enginnering/neighbourhood law to the bee-keeper. The judge spoke at the announcement of the judge, that the increasing GM-maize-cultivation takes the beekeepers in a situation without way out. Solving this problem is a question for politics. The beekeepers make themselves punishable saling or donatiing honey with GM-polls. In such a case there is a punish by law until three years of imprisonment or paying money. The problem of honey - contamination is in this moment on the most caused by maize. But bees don't stop flying also to genetical modified potatoes or so-called pharma-crops, planted for the use as raw material to industry. The same problem is in development of genetical modified grow again raw material and energy-plants not being released as food. To the cultivation of this plants the consument has no influence about his shopping behaviour at food. Which such plants they try to introduce GMO until the process is not to stop anymore. Against the will of the consumers – which wants to over 70 % an agriculture free from GMO.” (ADIZ/db/IF 7/2008 s. 8 – 9)

Bees have to go into Exil

„No risks. We have all under control. “

The reality overtook this great misjudgement: Because it becomes clear, that bees are flying also on maize, that they don't make a difference between cultivated normal maize and there also planted research-GM-maize, and that they – like the wind - don't accept security-distances, also not the security-distances for fields of farmers cultivating GM-maize - written down in the Federal Regulation for GM-seeds: 150 m to normal maize, 300 m to eco-maize. Bees are moving in a radius of 5 kilometers and more.

Mon810 maize has an official EU-admission as feed for animals - breaking down the genetic material about their metabolism (so the official view) - but not as food. For that, Bablok went to court of Augsburg condemning the agriculture administration on 4. may 2007 in a forced process to “harvest the GM-maize before flowering or cutting the pollen-flags” hindering the bees to collect the genetic pollen. Bablok has been violatete in his rights on protection of his property, the bee-health and the gmo-free managing . Honey with pollen of changed organism is “as genetical modified food not able for use and trade.”

After the bavarian government together with Monsanto has given a successful complaint to the bavarian administrative tribunal, the main process on the court of Augsburg started on 30. may 2008 – finishing with a decision completely changed:

The government don't have to take measures of protection – not he as cultivator has to do so, it's part of the beekeeper's work. The beekeeper is expected to remove his bees in time of maize-flowering far enough away protecting them for contamination."

(Frankenpost, Ressort Länderspiegel 18.10.2008)

2.) Situation in Germany – reasons for the human-right-violations

Germany has less than 82 million inhabitants. In Germany more than one million people are still working in agriculture sector, this are 2,9 percent of the working people. In 2007 there were still 374.500 farms in Germany, 1,25 million people working fulltime or parttime there.

Together this has been 530.000 fulltime-jobs. All together 16,9 millions hectares of the land is used for agriculture (this is a part of 47,4 % of whole Germany).

11,8 millions hectares from all the fields are used for production of plants, 5 millions hectares for permanent green-land. 2009 in Germany has been cultivated on first place cereals (6,5 millions hectares), followed by maize (2,1 millions hectares), rape (1,5 millions hectares) and sugar beets (0,4 millions

hectares). (http://de.wikipedia.org/wiki/Landwirtschaft_-_cite_note-1#cite_note-1)

In Germany there are 90.000 beekeepers, producing with about 800.000 swarms around 20 % of the honey consumed in Germany. The other 80 % of the honey is imported from other countries! (<http://www.deutscherhonig.eu/>)

Cultivation:

Implementation of GMO in Europe started with the fall of the EU-moratorium for the release of GMO. In EU are allowed two GMO-plants for cultivation until now:

Since 1998 the MON-810-maize of the US-industrial company Monsanto, and on 4 March 2010 the European Commission authorised the placing on the market of a genetically modified potato, called Amflora from BASF.

The genetically modified corn MON 810 is registered with a host of varieties in the EU varieties list. In the german varieties list eight varieties are recorded, which were developed by Monsanto, Pioneer, KWS Saat AG and EURALIS.

The plant breeders right für Germany was issued in 2005 by the minister of agriculture of that time, Horst Seehofer. 2006 GM-Maize has been cultivated at 950, 2007 at 2.685 and 2008 at 3.171 hectares. This has been lower than 0,2 percent of the whole german maize-fields. Germany followed 2009 Austria, Hungary, Greece, France and Luxemburg prohibiting the cultivation.

2010 the potato has been cultivated from a german farmer at an 20 ha field in Zepkow, Mecklenburg Vorpommern..... The authorisation is illegal, because the GM-potato contains a Antibiotic Resistance Marker Gene. This Genes are posing risks for medical and veterinary treatment, for the human health and the environment and are prohibited by EU-law since 2004: Art. 4 deliberate release directive 2001/18/EC EU-Law is phasing out of all GMOs which may have adverse effects on human health and the environment.

This means that such Antibiotic Resistance Markers (ARMs) are prohibited by law. Despite this obligation, **the European Commission authorized a GMO product which has been prohibited now for more than 5 years.**

(http://www.bund.net/bundnet/themen_und_projekte/gentechnik/kommerzieller_anbau/)

Food for our animals:

Germany is importing about 30 millions tons (78 %) every year. For the food-industrie it's cheaper to import animal-food like soja from Southamerica and the USA. Most of the imported Soja is GM-soja, produced by a strong increasing use of very poisonous herbicides. 65 % of the soja-imports came from Argentinia and Brazil, causing there deforesting of jungle. (http://www.bund-bs.de/aktuelles/bilder_aktuelles/BUND_Agrarbrochuere_2010_01_13.pdf S. 6)

Europe is importing 90 % of his soja from overseas - used for feeding our animals – causing increasing hunger in Brazil. The in Germany produced maize and wheat is used more and more for burning in long-distance-heating-systems – or the fields lying fallow – subventioned by EU. The number of our own farms decrease by beeing more and more unprofitable – caused by the increasing number of cheaper imports. The consequences has to pay the taxpayer – for increasing unemployment, usw.

Legislation, Approvals und risk-research

The existing european legislation is not protecting communities and regional goverments, in contrary: organisations like Greenpeace are speaking of a GMO- and agrobusiness friendly policy ignoring all risks, doubts and objections. It is known that the increasing pressure on EU to allow the use of GMO has its origin in the US, which have started a claim at WTO.

The EU-guideline from march 12 in 2001 allows – like just the old EU-guideline - for the first time the release of GMO and regulates their implementation. Appropriated controls and check-up-mechanisms shall protect health and environment.

Germany is – like all other EU-countries – forced by law to allow the release of GMO . The german gentechnology-law is allowing the cultivaton of GMO.

2010:

„Based on the youngest incidents in Sweden, where Amflora has been mixed with other, not approved genetical modified potatoes, the minister of agriculture und environment, Dr. Till Backhaus, has forbidden the bringing-in-circulation of the harvested GM-potato Amflora.

This incidents are confirming problems of coexistence at the cultivation of genetical modified plants.”

(http://www.bund.net/bundnet/themen_und_projekte/gentechnik/kommerzieller_anbau/deutschland/amflora/)

2011:

The cultivation of GM-potatoes is with 1000 hectares planned on german fields.

Practical experiences of the farmers:

Harvested potatoes will be found until 12 – 15 years after cultivation on the fields – not beeing cultivated again, only once. It's never possible to harvest ALL potatoes, there are

remaining always some back on the fields or in ground. Also being very very small – they're growing next year again spreading out year after year and more and more.

Marking:

Since April 2004 EU-law regulates obligatory for all member-states, that food- and feed-stuff with GM-contamination about 0,9 % on the list of ingredients has to be marked as „genetical modified“.

(http://www.bund.net/bundnet/themen_und_projekte/gentechnik/verbraucherinnenschutz/kennzeichnung)

This means an amount to 0,9 % is allowed. Practical experiences from other countries are showing, that this limits – is contamination once allowed – have to raise up more and more, because the contamination is increasing more and more.

But GMO must not be characterised in case of use of GM-soya in animal feed, coming then without marking to the consumers tables, because products, coming from animals, must not be marked. (for example meat, butter, cheese, eggs, milk, yoghurt, etc).

„The new german „Without-GMO“-law is filling now this gap. Since 1. of may 2008 food-producers can mark there products with the information “without GMO”. “Without GMO” means, that also the animals has not been feeded with GMO-plants.”

(http://www.bund.net/bundnet/themen_und_projekte/gentechnik/verbraucherinnenschutz/kennzeichnung/)

But his marking is not very helpfull – because the use is voluntary. Only a mark provided by law would help the consumer really.

According to Greenpeace 80 % of consumers are against GMO, this fact, however, was ignored by EU commission due to the pressure from outside as mentioned before.

This tendency result in an increasing danger for human rights in case of food, health, freedom of sciences and research globally, leading also in Germany just to destruction of existences for single employers or critical scientists.

We sincerely hope, that the committee for economic, social and cultural rights is able and willing to help out in order to support peoples rights, which are written down in International

Pact and other agreements and pacts.

3.) Violations of Rights of People concerning Self-determination (Art. 1)

„The Gen-Industry ist totally out of control“ – says Nina Thüllen, Gentechnology-expert from Greenpeace (www.greenpeace.de – *gentechniknews – genreis-in-china-ausser-kontrolle vom 13.4.05*).

Cases of illegal imports

International GM-rape-scandale 01.05.2000

Advanta sold contaminated rape in Europe dressing up the dimension of the scandale. In contrary to other european nighbours german administratives hadn't seen any need to act for stopping this.

According to the latest findings the seed has been brought to England (5000 hectares), Sweden (500 hectares), France (600 hectares), Luxemburg (33 hectares), Norway (very small amounts) and Germany (300 hectares). It was summer-rape, flowering on the beginning of June in the south of Germany.

Based on previous informations, the biggest amount of the contaminated seed has been sowed in Baden-Württemberg, above on the Swabian Alp and in the North of the Black Forest. Smaller amounts of seed have been sowed in Bavaria and Hesse.

The only one published analyse about this in Germany sold sort until now, resulted a contamination of 0,03 percent genetic manipulated rape. According to 300 hectares this is a total number of 100.000 genetical manipulated plants. In Sweden has been found in a seed-charge a contamination of 2,6 percent.

(http://www.greenpeace.de/themen/gentechnik/saatgut/artikel/internationaler_genraps_skandal/)

„Poisoned Seed

There is a haze of genetical contamination about German maize-fields. How far this reaches – nobody of the officials want to know. Are the founts of maize-seed, contaminated with illegal GM-maize, an example for the future? Or is just today a haze of genetical contamination about German maize-fields? Since 2004 they have been found every year the differentest GM-maize sorts in the normal maize-seed – tendency increasing.

Like in the well-knownst case of contaminated crop, where rice LL 601, escaped from US-american laboratoies, has been found in normal rice again, a part of the contaminations came from scientific releases of Hungary. This shows like companies handle with expermiments - don't worrying about security of men and environmant. The industry disagree with the accusations - instead of feeling sorry for the incidents they demand a right for contamination. They want the admission of traces of GM-seed in conventional seed. That is the proof: The seed-producers are not able to controll their own inventions. (Frankfurter Rundschau 14.6.2010

<http://www.fr-online.de/politik/meinung/vergiftete-saat/-/1472602/4475446/-/index.html>)

“Are GM-companies contaminating the seed intentional?”

The GM-rape-contaminations are a direct consequence of incompetence and carelessness by the GM-companies“ explains Hepburn. “They try to convince us for making it possible to be a little bit pregnant. But in all seriousness ... also if sounding cynical ... it seems that GM-companies worldwide pursuing a deliberate strategy of contamination for breaking the resistance against their products.” But Hepburn warns: “Such contaminations will spread, if we didn't stop this immediately with strict monitoring and zero-percent-tolerance-level at seeds.” (http://www.umweltjournal.de/AfA_naturkost/9293.php Hamburg, 30.10.2005)

“With the introduction of gentechnology ... farmers have lost any form of self-determination. Their land has been ... contaminated – with all the negative consequences: destroyed harvests, destroyed lives.” ([HYPERLINK "http://www.thiele-und-thiele-consult.de/press"](http://www.thiele-und-thiele-consult.de/press) www.thiele-und-thiele-consult.de/press *Fakten der Agro Gentechnik* 15.11.2006)

Experts speak of „economic imperialism by multinational corporations“ (*bio.-scope.org* v. 16.04.02) “These are signs of a food dictatorship” (V. Shiva in “Gefahr Gentechnik” p. 231)

“To be free of GMOs is an expression of our fundamental right to free food choice”

(Vandana Shiva in „Gefahr Gentechnik“ p. 231).

Revolt in genetical fields

Felix Prinz zu Löwenstein from the „Union of ecological agriculture“ (Bölg):

„Who is working with GMOs is a economic threat for the whole food-sector“ he says. “By filling into another container, at the transport or in factory - always it takes risk to mix clean products with genetically modified. “

Actually in Germany GM-plants are cultivated only for research, there is no commercial cultivation; but we´re importing masses of GM-products. Above all, GM-soya as feed for animals is very popular. (23.06.2010, Südd. Ztg. S. 19)

... the aim of contamination through field trials – the end of any self-determination:

„The idea of a so-called „coexistence“ between manipulated and non-manipulated plants is impracticable. Even in countries without the cultivation of GM plants, the contaminations accumulate. GM technology has already got out of control. This process is intended by the GM technology corporations: „ The industry hopes that the market will become so flooded that you cannot do anything against it any more. One just capitulates.“ (Don Westfall, counsellor of many GM technology corporations in „Contamination – GM plants out of control“ flyer of the Environment Institute München e. V.)

Excerpt of an interview with Percy Schmeiser, an Canadian farmer (in: *The Ecologist*, May 2004), about the meaningfulness of the field trials:

„ Which goal did they have?“

P.S.: For the biotechnology companies „ this is a good opportunity to get a toe in the door, and then of course the whole foot!“

„Is the real task then to contaminate the neighbouring fields?“

P.S.:” That is the goal! There is no other reason for these trials.“

„Do the biotech-firms really believe that they can collect license fees forever if they contaminate all the fields of the world with their GM-seed?“

P.S.: No, but their objective is the contamination, and recently, Dale Adolphe, the chairman of the Canadian Seed Growers Association, which sells seeds from Monsanto, said: „ There is so much resistance worldwide against any further field trials of genetic modified plants, that contamination is the only possibility to proceed with it.“

Example Canada:

“Since the middle of the nineties GM-rape has been cultivated in Canada. Since 1999 it has become clear, that the spread of genetic modified rape has got out of controll – because after only 5 years genetically manipulated plants have grown on over 50 % of the fields of Canada.Today, there is nearly no GM-free rape in Canada.” (SZ, 21.6.2004 „Canada´s farmers suffer from GE-cultivation“)

Example Amerika:

To get GMO accepted as a practical constraint in the latinamerican agriculture they started the tactic to contaminate fields with smuggled-in seed.

In this sense the strategy of Monsanto will get it specifically through, and it takes the following steps: to choose an area and awaiting contamination (in this case Argentine as the starting point in Latin America).

Also in **Mexico** they did so ... specific contamination from a neighbour countryside, giving GM seed as a present to the uninformed farmers etc. ... and now they have GM maize everywhere, and their own old and adapted maize sorts – the richness of Mexico: the great variety of maize-sorts – are - without knowledge and consent – just damaged to the greatest extent. This to the tactic from Monsanto making facts worldwide – also in Europe about contamination in outside-research.

Conclusion: The only way to ensure the right of self-determination in Germany is to fully ban the import and use of GMOs and to stop immediately all running field trials.

The EU-guideline for GMO- release (article 26 a) gives the right to member states starting actions in order to prohibit the presence of GMO in other products. All mentioned case studies mirror the fact, that coexistence is realistic in no case. The only way out in order to really avoid GMO-contamination is to prohibit the use of GMO.

The example Greece shows – it's possible!

The greek government has seen the risks and consequences – and took action: In Greece there is not allowed any cultivation or import of any GMO-products by law. There is even a prohibition of any transport, what means there is also not allowed any transit of genetic modified load through Greece.

§ 2: „All people can freely dispose on their natural richnesses- in no case peoples basis of existence may be robbed!“

The farmer developed sorts about thousands of years old traditions and about many generations practised methods of cultivation, which are adapted exactly to regional conditions.

„It is grotesque to identify agro industries which apply GMOs with all the mentioned problems as being able “to solve the problem of hunger”, when they are creating hunger, destroying soils, polluting ecosystems and monopolizing power.” („GM plants do not fulfill expectations“, Andreas Bauer, *Umweltnachrichten* 100 / 2004, p. 24)

Developing countries have found out that “GMOs are destroying biodiversity that has been developed during the last thousands of years. Therefore GMOs also destroy the ability of the people to feed themselves. Development policy organizations like “Christian Aid” or “Brot für die Welt“ consider GMOs and the so called “green GM technology” as being contra-productive and responsible for increasing hunger and poverty. ...

If we look to the case of the beekeeper Bablock (side 4), which bees has been contaminated by his neighbour on his own property beeing prohibited for selling his honey as consequence – so this is a **german principle judgement about the robbing of his basis of existence –**

And that completely legal: The court has not seen one reason protecting him for contamination! On the contrary: HE has to protect his bees by himself and – if he don't want them to be contaminated –HE has to move away!

Indish long-term-test: “Monsanto’s Genetically Engineered Bt-cotton is not just killing farmers, it is also killing the soil”

Vandana Shiva, winner of the alternative nobel prize, was one of the first looking at the long term impacts of GM-seeds on soil organisms. She compared the soil of fields, where Bt-cotton had been planted for 3 years, with adjoining fields with no GMO cotton or other crops and published in february 2009 about the result: “In a decade “ of ten years “planting GM cotton or any GMcrop with Bt-genes in, it’s leading to total destruction of soil organisms, leaving dead soil, unable to produce food anymore. This also shows that the claims of the Biotechnology industry about the safety of GM crops are false.” (Press-release Navdanya v. 23. Febr. 09)

Conventional and biological Seed has to be and to remain gmo-free also in future! Seed is the base of many food and essential for the stability of our food-system. About centuries a multitude of sorts regional adapted has guaranteed the human food-variety and -security.

In summary: in order to ensure food security in the world we must improve the ecological and social conditions. Any short-term increase of yields using purely technical means at the expense of environment and humans is the wrong way. A destroyed ecosystem will not feed future generations. A sustainable ensuring of food supply needs an agriculture maintaining nature in its carrying capacity: fertile soil, clean water and air and a great variety of plants and animals.”

(<http://www.greenpeace.de/themen/gentechnik/> www.greenpeace.de/themen/gentechnik/ „GMO – no hope for the hungry“ from October 1st, 2004).

In order to improve methods of productions, distribution of food and better use of natural resources we demand the german government to forbid the use of GMOs .

Violation of the Right on Food (Art. 11)

§ 1: „The states of the pact agree with the Right ... on ... a continuing progress in living conditions ... and are willing to act accordingly, in order to realize these Rights“

interpretation right on food - guidelines

In the Declaration of Rome to World Food Security 1996, Heads of States and Governments “reaffirmed the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger.” (<ftp://ftp.fao.org/docrep/fao/meeting/009/y9825e/y9825e00.pdf>)

The **guidelines of FAO** from November 2004 are written down for the support of a step-by-step realization of the right to appropriate food under the boundaries of national security for food:

- the right of everyone to have **access to safe and nutritious food**,
- The right to adequate food is realized **when every man, woman and child, alone or in community with others, at all times has physical and economic access to adequate food safe for health** (Point 15).

- To guarantee the availability of food in a quantity and quality **sufficient to satisfy the dietary needs of individuals, free from adverse unhealthy substances**
- „protect the right of all people on food, which could be endangered by enterprices and individuals having the intention of prohibition of the access” (preamble, point 17)

The *General Comment no. 12 for the right on food*, point 10: “States should take measures **ensuring that changes in availability and access to food supply do not negatively affect dietary composition and intake.**”

This right is not more guaranteed also in Germany.

“GM-maize in the food chain

Scientists have proved, that the genotype of GM-maize remains longer than expected until now stable in the ground accumulating in the food chain.” (Schrot und Korn 02 / 2010 S. 8)

The conditions for life – for farmers as well for consumers – will decrease after implementing GMO in food-production and agriculture - led in India and Argentina to hunger damaged existences and collective suicides, because farmers ending in dipendence and a spiral of debts don't stopping anymore and reducing their yields. “The higher costs of GM-plants, the increased amount of pesticides / herbicides needed, decrease in yield, the costs for seeds and reduced markets result in a drastic decrease of income of farmers.

The first economic analysis of the situation of farmers using bt-corn in USA makes evident, that the net-loss between 1996 and 2001 was 92 millions or 1,3 US \$ pro hectare!” Farmers reporting about “smaller yields, increasing dependency on pesticides/herbicides, lost access to markets, and reduced profitability ... “(„*Plädoyer for a gmo-free world*“, *ISP-study*, 15.06.2003, p. 6), so that farmers are easily becoming more dependent on agro-business. This report has been written by international experts summarizing the main dangers of GMO and representing “strong arguments for a worldwide prohibition of a release of GMO in the nature for making free a new way in direction of agro-ecology, sustainable agriculture and organic cultivation.” The *ISP-study* shows clearly that GMO is not sustainable in future and indicates also clearly, that only using the diversity of local ressources is resulting in a sustainable development! It is essential “to give local farmers freedom to decide, what they want to grow and how they are going to improve their plants and, thus, their living quality” (*ISP-study „Plädoyer für eine gentechnikfreie Welt“*, 15.06.2003, p. 17)

Thus, as a conclusion, Germany would be asked to ensure that no GMO will be used in food-production and agriculture.

Like the example Switzerland, Greece and regional initiatives are showing is a gmo-free production possible.

Violation of the Right on Health of Body & Soul (Art. 12)

„Danger for people caused by dangerous GM-food-import

Genetical modified food used in animal-mast could humans make ill” commented the green agricultural speaker Wolfgang Pirklhuber in an actual study. Therefore residues of

the weed killer "Roundup" in animal-feed cause cancer and reduce fertility."
(http://www.andrioli.com.br/de/index.php?option=com_content&view=section&layout=blog&id=6&Itemid=41
&limitstart=30 Sonntag, den 25. Januar 2009)

Acc. to EU-right the EFSA (European Commission for Safety of Food) is responsible for this topic and has to control the admission of GMO-plants. Their decision is forming the basis for final decisions of the Council of EU-Ministers in case of GMO-food and -seeds. Acc. to Greenpeace the EFSA is approving plants, "containing dramatic danger and also technical weak points. Obviously the priority in this decisions is given to economic interests and not to the protection of consumers and nature. In case EFSA would control carefully all applications, nearly all of them must have been refused". Indications for risks have not been followed and admissions were accepted although there was a lack of data."

"Greenpeace publishes new study to security-risks", www.greenpeace.de, 23.04.04).

There is a lack of long term consequences for health and the security of food (testing was only 28 days, although it is known that damage is becoming evident after 90 days resp. 3 years – until leading to death (look next part). All existent scientific results on identified dangers normally became ignored.

A new French study of the university Caen shows now, that residues of Glyphosat, which can be found at the most GM-food and GM-animal-food being on the market, are harmful for human cells and can even be mortal – also in very low quantities. "Despite a 100.000fold dilution the insert resulted in a complete death of cells in 24 hours blocking the vesicular breathing and causing DNA-damages." (*Global 2000*, 14.01.09)

Syntetical GM-sequences passing on through mother's milk

An Italian feeding-study proves changes at goat-kids caused by GM-feeding of the mother-animal. Using GM-feed results in the found of syntetical GM-sequences in goats and goats-babies. This is a alarming result of an actual feeding-study of the university Neapel. And this only feeding the goats-babies by mother milk. "Now it's scientific proved, that parts of GM-food getting to organs causing changes there." (*Global 2000*, Wien, 28. Mai 2010)

Study: Genetical modified soya damages humans and nature

The cultivation of genetic modified, glyphosat tolerating soya threatens the health of humans and animals, raises the use of herbicides and has negative consequences to the rural population. Glyphosat is the active substance of the worldwide most sold spray against weed. The use can lead to poisoning embryos and failures at birth. This proves a study of the Argentine professor Andrés Carrasco, presented by the 6. conference of gmo-free regions last september. Round 75 percent of all genetic modified plants are resistant against Glyphosat. Therefore the massive cultivation of GM-soya in North- and Southamerica has serious toxic effects to health and environment. (<http://www.gls.de/die-gls-bank/aktuelles.html> 19. October 10)

Global 2000: GM-soya in baby-food

In an analyse - ordered by Global 2000 - of ten soya-products they have found genetical changed ingredients at six products. According to the environmental organisation there is also baby-food affected.

Jens Karg, the genetic speaker of Global 2000, is outraged: "The shocking of this fact is, that in baby-food they have been found the highest contamination!"

"Global 2000 speaks about „human experiment“

"It's concerning products for babies already just born with an allergy and now being exposed a further risk of health – caused by these products. The babies became a plaything of a human experiment profiting from only some big concerns" says Jens Karg, genetic speaker of Global 2000.

Right on gmo-free food

Global 2000 demanded the minister of health, Andrea Kdolsky, and the minister of environment, Josef Pröll (both ÖVP) to take care of "that the right of gmo-free food is guaranteed now and also in future." Genetically modified food isn't natural food adapted by the people in the course of evolution. (Press release Global 2000 Austria, 30.04.2008)

These facts further show that the use of GM-plants like genetically modified soya causes violations of the human right to health - and should be immediately stopped by government.

6. Violations of the Right on Freedom of Sciences & Research (Art. 15)

Freedom in research is no longer given! 95% of scientists in the area of genetics & genetic engineering work dependently in direction of industry. In case they produce data and results, which are not in agreement with expectations of industry they were punished by losing their jobs and/or losing financing and materials for further research (*"A film for Life", Bertram Verhaag in "Gefahr Gentechnik", p. 183-186*).

"It may never be a question of preferring one form of cultivation. All systems of cultivation must have an equal right for existence." (communication-concept of the government of Sachsen-Anhalt, from 4.2.2004 http://www.saveourseeds.org/downloads/erprobungsanbau_Kommunikation.pdf)

But reality is different. The Agro-Genetic engineering is feeded up by government funds, led researchers and their institutes being well. A comparison with the year 2008 shows this very clearly: 7 million Euro received research projects of ecological agriculture, during alone biotechnology received 165 millions Euro from the ministry of research. Money of the ministry of agriculture like from the research-fund for energy-plant-research (Biogas from the field) and not-governmental demands hasn't been included here. Already this fund-allocation shows how on-sided they place the Genetic engineering. This millions press ahead the change of agriculture to industrial food-production. In the same time they are lubricant to change university research. Agricultural sciences and biology has been degraded to pure biotechnology-laboratories and public-relation-agencies on the most highschools. A self-determined and environmental compatible cultivation of fields, meadows and pastures becomes pushed more and more in a land of profit-critical romantic. (http://www.projektwerkstatt.de/gen/genforschung_uni.htm: Forschung und Forschungsförderung)

„80% of the people in Germany are against the use of genetic engineering in food and agriculture. But this high level will be flashed over easily by the genetic ropes: 100 percent of all genetic projects are evaluated safe by the responsible Central Committee on Biological Safety (ZKBS, scientific body advising among others the Federal Office of Consumer Protection and Food Safety, BVL) thus leading to authorisations by the BVL. All relevant positions in the regulatory and technical authorities are held by biased

officials leaning to the the gmo industry. The district court of Würzburg assumed as true that

- 1.) the senior officials in the BVL in command of the regulatory process Dr. Buhk and Dr. Bartsch are unresented proponents of genetic engineering"
- 2.) all voting members of ZKBS are unresented proponents of genetic engineering
- 3.) all decision-authorized members of the GMO-working group at EFSA are unresented proponents of genetic engineering
- 4.) all Managers of state institutes (vTI, JKI) working on the research of the basis of the laws like distance-extents and treshold values are unresented proponents of genetic engineering
- 5.) the persons named under 1 – 4 are represented in different alliances promoting genetic engineering" (Az. 2 Ns 701 Js 18810/2008)

Like this it`s also in reality:

At the responsible administrative bodies, in money-allocation-positions and the great sponsors of research the proponents of genetic engineering take all executive jobs. There are no sceptical or critical voices in comissions and the administrative bodies for admissions and controlling. Since years have rapes removed the stitches. This networks are not the only one but also one of the reasions getting Agro-genetic engenieering and their conditions accepted- in spite of the predominant disaproval – directing there all institutional ressources of agricultural sponsorships. This has been developed always more and more intensive during the time...." (<http://www.projektwerkstatt.de/gen/filz.htm>)

At a conference in Zürich researchers reported not to find risks using GMOs. In contrary have been reports from scientists, which demanded an immediately stop of the use of GMO because of serious results. After the conference I asked one of this researchers how it could be, that the results are so different. Her answer:

„This researchers have the strict order to stop their studies after a certain number of days knowing exactly, that results becoming negative crossing this number. For that, all reported results are correct - only at real long-time-tests this results would change completely.”

This researcher got a dismissal, because she continued her research – against the strict order of her institute to break off the trials after this number of days - because she wanted to know, what happens after this limit. She emigrated to America.

There „... we find plain informations about different acteurs ignoring the necessary independence, preventing enough transparence and neglecting the active care of controll-tasks - partly about a long time..... have the administrative bodies about years followed an agenda seeming aimed more at a teamwork with industry than an independent and critical controll of them.

Politics seeming have lost the controll of her administrative bodies and experts in many parts.

Just for long time experts determine the course. If politics now withdrawing even more from responsibility about the approval of genetic modified plants she let have decisions, beeing existential for environment and consumers, to the free game of organised economic interests.“ („control or collaboration? agro genetic engineering and the roll of administrative bodies“ Antje Lorch and Christoph Then, April 2008, S. 37)

This facts are showing the reality about an independent risk-research in Germany.

If - in spite of the alarming praxis-experiences in many countries practising genetic engineering just for some years warning us about the consequences - the Government setting further store by research we ask the committee to provide the necessary long-time-tests for making possible an objective risk-research.

7. View to planned steps of Government for 2011 leading to an increase of the named human-right-violations and the situation of the concerned people in Germany

Admission of genetic modified seed – increase of treshold value from zero to 0,1 %

“EU, farmers-union and CSU intending to admit a treshold value of 0,1 % GMO tolerated by law ... standing for the “Death of reproduction” for the farmes. Already a low genetical contamination of seed will be followed by a global pollution – caused by poll-spreading.”

(http://www.topagrar.com/index.php?option=com_content&task=view&id=22656&Itemid=519)

The farmer-union is keeping secret the disastrous consequences of a seed-contamination for farmers. No word about, that - caused by contamination and following monopoly-establishing - the agrobusiness will increase the seed-prizes arbitrary making the farmers completely dependent from the seed-chemical-industry.

„Seed needs zero-tolerance

Who now beliefs treshold values for the use of gentic engineering at seed would avoid scandals like the actual - is on the wrong track. Just an seed-pollution of only 0,1 % follows the spreading of 100 genetical changed plants of one hectare. By flowering the plants are spreading ruining the harvest of gmo-free producing farmers.

If Genetical plants about contaminated seed reaching the environment it will be practical impossible to controll this risk-plants. The cultivation-laws couldn't kept anymore. The provided admission-process and the risk-management dealing with genetical modified organisms would be tackled out. And the contaminated seed would increase year after year bustling up more and more the pollution-degree.”

(<http://blog.greenpeace.de/blog/2010/06/09/saatgut-braucht-nulltoleranz/> 9. june 2010)

A pollution of 0,1 percent wouldn't only enlarge very fast – but also meaning the “Death of reproduction”. No farmer would know anymore which degree in his seed is real .. It wouldn't give anymore own seed being guaranteed gmo-free, for keeping to the next year. “This would also mean the end of gmo-free feed and food.”.

(Schwabacher Tagblatt: „Keine Gentechnik durch die Hintertür“ 15.12.10)

8. Steps in order to ensure the Rights of farmers and consumers

The following measures could protect us already from further damages:

- A prohibition of any use of GMO for food and feed until the potential risks are proven to not exist for eco-social consequences using long term research
- Accurate research on known damages and risks for health
- Long term research executed by really independent scientists
- Prohibition of GMO in the area of food production and agriculture in Germany following the EU-right to protect the conventional agriculture of contamination
- prohibit the import of GMO for feed for animals
- obligation to mark also products from animals feeded with GM-food

Summarizing it becomes clear, that the Federal Republic of Germany has not fulfilled its duties. For the German population this means an existential and irreversible threat of its food security. Surely the development of genetchnology is dependent from behaviour and decisions of EU. Nevertheless it was described on this place, that the German government has possibilities to act protecting the people and to take another way - this is the duty of any government!

Answer of the UN-committee:

PRESSEMITTEILUNG

Gauting, 21.05.11

UN-Ausschuss bestätigt Gesundheitsgefährdung durch GEN-Food

Success in Geneva: For the first time, the United Nations Human Rights Commission has asked a government – here the Federal Republic of Germany – for a policy of protection of the health of foodstuffs containing genetically modified organisms.

<http://www2.ohchr.org/english/bodies/cescr/cescrs46.htm>

Mai 2011 Germany concluding observations 35 b:

The Committee requests the State party to include in its next periodic report information on:

b) Its policy regarding the protection of health in the context of food containing genetically modified organisms;

“It is getting a very new dimension!” said Christiane Lüst from the international network "Aktion GEN-Klage", who has filed a lawsuit against the Federal Republic of Germany and thus against the sixth country for human rights violations through the use of agro-genetic engineering in Geneva.

"Our permanent reporting to the United Nations on the consequences of the use of genetic engineering in food and agriculture worldwide convinces. The facts put forward by us speak a clear language."

So far, the UN Human Rights Committee has already called on governments to protect the old seed and farmers from GMOs and the resulting dependence on groups. Deforestation of rainforest should be halted and no further cultivation areas should be made available, as this will destroy the livelihoods of small farmers and increase poverty drastically.

For the first time, the health implications of the use of GEN food as human rights violations are now confirmed and a government is invited to take action to protect the health measures against it."

The need for action identified by the United Nations is underpinned by a study recently published that found toxins in the blood of 93% of unborn babies and pregnant women used in agriculture to produce GM food.

It is proven that, contrary to all the statements made by GEN industry and politics, GM food and poisons accumulate dangerous residues and poisons in the human body and even in unborn babies.

In addition, the Federal Republic has been criticized by the UN for not adequately taking human rights into account in its agricultural, trade and development aid policy, as well as in its support and investment by German groups in developing countries.

The required health protection thus also includes that with the German money no gene foodstuffs or gene seeds for developing countries are procured, transported or distributed.

The government is therefore called to implement the following measures promptly:

- To prohibit the introduction of genetic engineering into animal feeding, food production and agriculture.
- To introduce the labeling requirement for all genetically manipulated changes in foodstuffs - including animal feed and animal products - until this general ban is valid. Sämtliche Gen-Freilandversuche in Deutschland umgehend einzustellen
- To maintain the seed purity of 100% and not to allow any gene portions therein.

7.) report Argentina november 2011

Parallel Report to the Third State Report of Argentina on the Implementation of the International Pact on Economic, Social and Cultural Rights

Social Human Rights in Argentina

Violations of Human Rights as a result of the Genetic-Modified Soya-Monocultures - the Right to Food and Health - for the Argentinean Population, Farmers and Bee-Keepers

Presented by:

-GRR – Grupo de Reflexion Rural: Ecologist organization, devoted to fighting the model of agro industrial and exporting agriculture in Argentina, promoting actively small scale development, local rural production and the peasant culture.

-Aktion GEN-Klage Gauting / Germany

Christiane Lüst

Contact:

Federico Aliaga, Grupo de Reflexión Rural, Entre Ríos 85, Bella Vista, Buenos Aires, Argentina, www.grr.org.ar

Tel: (+54 11) 4666-5327 / (+54 11) 156-271-7524

Mail: fedali2@hotmail.com

Christiane Lüst, Aktion GEN-Klage Berengariastr. 5, 82131 Gauting, W-Germany

Tel.: 0049 / 89 / 893 11 054 www.stopptgennahrungsmittel.de

Mail: christiane.luest@t-online.de

30. July 2011

The information provided in this report focuses upon the consequences of a highly alarming global development: the use of genetically modified organism (GMO) in agriculture. Argentina in particular is one of the most affected countries worldwide by this development.

Already in 2004 the soybeans crop growing took over 48% of the total arable land. Hundreds of thousand people have been expelled from their land. Poverty and malnutrition rose rapidly.

Undernourishment - previously unknown in Argentina - increased with the introduction of genetic engineering to 17%. In 1970 the proportion of people living below the poverty line used to be at 5%. In 2004 it already was up to 51%. The spraying of agrochemicals on soybean plantations from the air destroyed the crops of peasant, their chicken died and other animals suffered damages and there were birth defects. People suffered from severe nausea, diarrhea, vomiting and skin lesions because of the sprayed herbicides. Vegetables turned up malformed and lakes suddenly were full of dead fish (*Agrar Info 160 September / October 2008 p. 3*).

This means a massive violation of the economic, social and cultural human rights of the Argentinean population!

We are very concerned about this development, which will intensify with further plans of the government to expand the GMO-growing giving rising profits, but showing no respect for our culture, history and food sovereignty.

Therefore, we urge the government of Argentina:

- To restore our national dignity and denounce the soybean scheme and our imposed role as exporters of agricultural commodities either for forage or biodiesel for the developed countries.
- To stop the biotech experiments which find in the Argentinean people, over 40 million “guinea pigs”.
- To restore the national production of basic crops, based on our food sovereignty and on the promotion of local development.
- To promote colonization, in order to repopulate our territory with peasant communities and local producers of healthy food, whose methods do not compromise the environment.
- To establish state control again and reorganize the National Grain Commission in order to re-establish a low-price sector for the basic food of our people - for example, lentils, rice or dairy products – which right now are no longer produced or their production suffers a severe crisis.
- To make sure that people can produce their own seed again, discover their lost genetic heritage, prohibiting the production, introduction, manipulation and growing of GMO and creating the basis for another country economic model, which targets food sovereignty and local development.

(GRR – Grupo de Reflexión Rural: Ecologist organization, devoted to fighting the model of agro industrial and exporting agriculture in Argentina, promoting actively small scale development, local rural production and the peasant culture.)

We ask the Committee on Economic, Social and Cultural Rights to express their concern over the violations of the right to food - the dramatic poverty increase because of GM soya cultivation - and the right to health, integrity and self determination, which are dramatically violated through the use of GM soya in Argentina and to make recommendations to the Argentine government on how to stop these violations to our most basic Human Rights immediately.

.....
Federico Aliaga
Grupo de Reflexión Rural - GRR, Argentina
www.grr.org.ar

.....
Christiane Lüst
Aktion GEN-Klage, Germany

List of Content:

1. Introduction
2. Situation in Argentina – Violations to the rights established in the pact
3. Violation to the Right to Food (Art. 11)
4. Violation to the Right to Health (Art. 12)
5. Violations to the Right of the people concerning Self-Determination (Art. 1)
6. Violations to the Right to Freedom of Science & Research (Art. 15)
7. Measures to ensure the Rights of Farmers, Peasants and Consumers

1. Introduction

In Argentina, are used in soybean cultivation nearly one hundred percent genetically modified varieties, corn with up to "three stacked genes" is increasingly being promoted, while the RR cotton begins to dominate this crop. The country is the third largest supplier of soy products worldwide, behind Brazil and the United States. At the same time, an increasing number of hungry people have been reported in recent years.

“The high demand in Asia has brought an unprecedented boost to the Argentine soybean production since the mid-90s - at the cost of crop diversity, animal husbandry, the environment and human health. The CFR study 'Stop the fumigation '(Paren de fumigar) notes that small family farms in the soybean growing regions are surrounded by giant monocultures and are sprayed with glyphosate and so often forced to give up. The people in the affected areas fought desperately for years that no Glyphosat rains falls down on their fields, destroying the crops and putting their health at risk. The contamination is seen as the result of a devastating export policy, based on the intensive soybean cultivation The soybean fields are

green deserts that destroy jobs and depopulate rural areas.” (*„Sick Villages,, by Marcela Valente, 5.03.2009*)

The GM agro-biotechnology accelerates the extinction of small farmers around the world. Deforestation, an increasing use of pesticides, destruction of livelihoods of indigenous peoples, small farmers and peasants, land concentration, slave labour, the rural exodus and increasing poverty in the countryside are the effects already abundantly demonstrated of the consequences of an agro-industrial model of transgenic monoculture.

We have great hopes that the Committee on Economic, Social and Cultural Rights immediately help reverse the depopulation of our country (uprooting), the destruction of the cultures of the communities that are displaced by the imposition of GM industrial agriculture, land grabbing, hunger and health damage suffered by our people, and enforce the Argentinean’s rights that are as established in the International Pact on Economic, Social and Cultural Rights.

2. The Situation in Argentina – Violations to the rights established in the pact

Argentina has 40,091,359 (census 2010) inhabitants. The export of commodities is one of the highest income in the country - and the participation of agricultural products is the higher with 31%.

The following table shows the population changes suffered by the rural and urban areas over the past decade, which can be linked to the entry of the GMO model in Argentina.

Table IV: Migration from rural to urban areas. Source INDEC.

Population growth (% of the total compared to the census of 1991/2001)

Province	Urban	Rural	Grouped Rural	Dispersed Rural
Buenos Aires	10.94%	-14.32%	13.15%	-25.97%
Córdoba	14.22%	-11.23%	7.13%	-22.56%
Santa Fe	10.03%	-12.10%	0.63%	-20.87%
La Pampa	25.72%	-16.61%	-6.87%	-28.66%
Chaco	35.51%	-23.17%	24.01%	-29.57%
Formosa	39.14%	-13.87%	-1.05%	-16.03%

Entre Ríos	20.22%	-10.31%	16.21%	-13.16%
Sgo. del Estero	30.11%	4.38%	9.28%	2.94%

The statistics made in 2001 confirmed that thousands of families are removed each year from rural areas. In short, the rural exodus matches with the huge concentration of property devoted to the production of commodities. As a result, this has been the growth of hungry people living on the sides of the city.

(<http://www.elcorreo.eu.org/?Argentina-estudio-de-caso-sobre-el>)

With 16.2% of the area with GM crops, Argentina is the second largest, after the U.S. with 47.6% of the total. Nearly 20 million hectares are planted with GM soya in our country.

“Soya is now growing at 55 % of Argentina's agricultural land. In the central province of Cordoba it is even 80 %. 200 million liters of glyphosate are to be sprayed on the fields every year... “
(„Kranke Dörfer“ - Sick villages by Marcela Valente, 03/05/2009)

“In these GM-soy areas there live approximately a total population of fourteen million people. They suffer from the fact that every year about two hundred million gallons of the herbicides sprayed are glyphosate in the first place “ („Umstrittener Einsatz von Glyphosat“ – Deutschlandfunk " Controversial use of glyphosate. " - Radio Germany 02/09/2011)

“Argentina is the world's third largest soybean producer and exporter. Almost exclusively genetically modified seeds are planted. About 90 % of the crop - 54 million tons - is exported to China, India and the EU. At a current world market price of about 370 U.S. dollars per ton of soybeans, it represents a value of nearly \$ 20 billion, thereof export taxes of 7 billion are flowing into the state budget “ („Landwirtschaft – Das Gift in der Lunge“ Agriculture - the poison of the lungs "Taz 07/20/2010)

“Soy crop is virtually one hundred percent genetically engineered and the acreage on which this protein- contributor for the global meat production is grown, is growing from year to year. In the mid-nineties of the last century there were yet 5.6 million hectares, in the early seventies even only 9500 hectares - of course not transgenically by that time. Now in the concluding growing season the acreage of genetically modified soy increased to a total of nearly 15 million hectares. All other crops combined, which are grown in the second largest country in South America, do not reach this number. The taz praises: ‘Last year the soybean export even was 40 percent of the total export revenues.’...

The combination of the economic crisis and the eviction of small farmers and farm workers by the increasing mechanization of soybean cultivation led to a loss of sustenance sovereignty and increased poverty and starvation’. Lilian G. Joensen, a molecular biologist at the CFR, describes the process of displacement as follows: ‘There is a law that states that if somebody can provide prove that he has lived in a place for twenty years then he can register himself for ownership. The evidence of this claim is often destroyed by violence. Soybean companies engage paramilitary groups to burn or demolish the houses, steal cattle, or the like.’ (“Esst das Futter ... guten Appetit!“ Eat the food ... enjoy! GeN December 2004 page 1)

“For example in Argentina the acreage is growing dramatically. Often the fields come up to the settlements. By now many residents complain about the high use of chemicals. In fact the cultivated area in Argentina has grown by the 35-fold between 1996 and 2003 according to a study. But the use of glyphosate has grown by the 56-fold in the same period’ („Pflanzenschutz

Einsatz auch bei Gensoja “ – Das Erste.de - plant protection use even with GM soya. Broadcasted 02/08/11)

“Argentine exports are booming and the economy presents growth rates like in China. An important driving force is the annual export of 44 million tons of soybeans. But while President Néstor Kirchner is pleased by jingling tax funds now a lot of small farmers in the provinces have to fight for their economic survival. The soy farming threatens their habitat, herbicides pollute the environment and the large agricultural companies - often with international money behind them - push them aside. Politics, police and judiciary tend to stand to the most influential large companies.”

Depopulation of the territory - Expulsion of rural life

With no plans to support and encourage small farmers and peasants, or no plans aimed at achieving local food production, farmers and peasants are forced to leave their land and seek for work in the city. And often they end in "villas miserias", as they call the slums on the outskirts of major cities in Argentina. The depopulation of the territory, with the consequent destruction of small production and not to speak of peasant life, is an implicit part in the development model imposed by the National Government, in collusion with big corporations in agriculture, in order to implement instead a model of agro-industrial production for export that involves the possibility to collect deductions on the export of agricultural products, which then will support the care plans of the displaced population that will move to urban peripheries. Released the territory of all life, the big agro companies lease the land and turn them to the intensive production of GMOs, which turns out to be big business.

In most cases of depopulation and displacement, the expulsion from the rural takes place, at least a priori, "legally". Nationwide, about 250,000 small farmers have lived on agricultural lands for generations, but the lack of public policies for small production and rural life, forced them to leave their land, their small productions that are no longer profitable and lease their land to the soybean business. What is not evicted by force, it is achieved by imposing a whole system against the small-scale rural life.

“There are no exact figures on the expulsions” reported the Argentine sociologist Diego Dominguez. But he says that between 1988 and 2002 about 80.000-100.000 small farms disappeared. Besides economic problems forcing the sufferer to give up their farms, the evictions are responsible for that. "In addition many peasants - encircled by soy fields - can no longer keep up their farming," he says.

The Argentina has one of the earliest processes of urbanization in Latin America, having a total area of 2,791,810 square kilometers, representing almost 7 hectares per person, but still less than 10% of the population lives in rural areas, increasing the population of the large cities, where the land occupied by person is measured in a few square meters. Already in 2006 there was evidence of the expulsion of 200,000 agricultural SMEs, and less than 10% of the population lived in rural areas (this does not mean working in rural activities). It was also verified that there were 24 new settlements (slums, cantegriles, favelas or shanty) in the Autonomous City of Buenos Aires (Diario Perfil, Sunday July 20, 2006) and that in such settlements, 8 out of 10 are rural displaced people (Institute for Small Family Farming 2006 INTA).

Clearly there is a system that expels people from rural areas, through neglect, lack of agricultural policies and the greed of land for the installation of a model of intensive agriculture. The idea that the field is no longer a place to live but a place to do business, is now common, with the counterpart to establish a system of Agriculture without Farmers.

In addition to evictions carried forward "legally", there are many evictions inside our country that are held illegally. Although the problem is not unknown in the Ministry of Agriculture in the capital, Buenos Aires, in the provinces often a network of corruption and cronyism between police, politics and the economy keeps the possibility of small farmers from sustaining their livelihood and from the possibility to go to court for protection, which in most cases it is to serve economic interests. Often, their claims are rejected by the police from their communities who refuse to take their claims. Even for those who gain access to the judicial system, their fate remains uncertain, as there have been many questionable decisions.

The Government focuses its agricultural policies in soy exports, displacing other agriculture products

Argentina, along with other brother countries, has become a "United Republic of Soy", like it used to express an advertisement of the seed company Syngenta, which knows no political boundaries. The interests of Corporations and the idea of progress supported by the Argentine Government in obtaining export deductions, without implying better development for the country and a better quality of living for the rural population, has led us down the road of abandonment of the traditional life of many rural communities, the destruction of small farming and with it the loss of food diversity that characterized our crops.

At one time, local communities across our country were mainly supplied by the food produced in the surrounding area, rich in diversity while fresh.

Today, with the destruction of this small farming in the name of progress, communities have not been displaced, receive the food that comes from across the country, or in many cases it is import what before we produced ourselves.

"The soybean cultivation could be the suicide of Argentine agriculture," he warns "displacing other soy products such as meat, vegetables, milk, or rice." These are scarce and therefore expensive. The new agriculture is always one more technology and in need of fewer people. "We are on the way to agriculture without farmers," he complains." (*Der Tagesspiegel*, 04.07.2007)

3. Violation to the Right to Food and the Right to be free from hunger (Art. 11)

This right is far from guaranteed in Argentina.

With the disappearance of small and medium producers, also significant areas disappeared that were devoted to many cultivations that once characterized the diet of Argentines. It was reduced more than 44% of the cultivated area of rice; over 26.2% of corn; 34.2% of sunflower; more than 3% of wheat and 10 times the area of cotton. Areas such as San Pedro, in the province of Buenos Aires, lost 50% of fruit orchards and nursery plantations to be replaced by soybean crops. (Boy, Adolfo 2005).

Figures Cost of Living in 2002 allow us to compare the research with our diagnoses. For the retail level, statistics from INDEC (National Institute of Statistics and Censuses) indicate that the products that more increased their price are:

Dried Lentils 272,7%;

Corn Oil 218,9%;

Common Wheat Flour 162%;

Canned Peas 157,5%;

Sweet Potato 152.2%;

Pope 138%;

Plain White Rice 130,1%.

(Ámbito Financiero, Tuesday, January 7, 2003, p. 4).

These figures are from the years 2002 to 2006, with even greater deepening of this trend, as it is well expressed by the growth of the area planted with GE monoculture, at the deterioration of food diversity.

"We are no longer able to feed our own population. Meanwhile many products are very expensive and the most recent figures suggest that Fifty-four percent of our population live below the poverty line. Fifty-four percent! In the seventies and eighties, there were only five or relationship as thirteen percent. Argentina produced enough quality food for its population and could also export the eight times the amount of their own requirements. Now there is hunger in our country ... What can we say is that it has not previously given us hungry. The soy companies try to get more land for production and it also does not shy away from using violence against: In all regions of the country can read in the newspapers that people are driven from the land they want " (*"Soy, soy and soy again .." GeN, June 2004 Page 1*)

The greatest danger to ensure this right is the destruction of livelihoods as a result of GM crop monocultures. Soybean production is increasingly replacing the small farmers, and this is now the most dramatic reality throughout Latin America.

Agricultural biotechnology accelerates the extinction of small farmers and lead us all to join a highly globalized world food system, importing and exporting similar products, or absurd as our case, that to export soybeans, we stop producing our food and then we import it. The development of a community can not be measured by the businesses performed at high levels, but rather by the ability of its people to be free, self-sufficient and lead a full and happy life in a favorable environment for it, not in the ill cities to which we are expelled.

Peasant agriculture and at a small scale, allows the coexistence of man with nature which is part of. Working the land at a small scale and with low-input, there is still room for biodiversity. The GM monoculture model denounced, established a strong dependence on inputs and devastates large areas without any parameters of care for nature, leaving as result the destruction of our property or natural resources.

"As one eco farmer reported three years there was the glyphosate-clouds going down on their fields and the entire crop had been useless." (*" Sick villages "by Marcela Valente, 03/05/2009*)

Exports rather than self-sufficiency

The soy boom has turned Argentina's agriculture in other areas too radical: In the last 15 years, for example, the number of dairy farms halved. Meanwhile, milk imported from Uruguay, although it is more expensive than the domestic (*Eat the food ... enjoy! GeN December 2004 page 3*)

Surfaces for self-cultivation are reduced. The jungle, the mountains and the remaining forests as a reservoir of biodiversity, are removed in large quantities for new industrial cultivation's land. Many times the inhabitants of these forests and small farmers are evicted from their land by the "force" of great businessmen in agriculture, or are killed to obtain more arable land for themselves. There is rarely compensation payments, refunds etc., as only in a few cases and often only with the help of social organizations and national and international human rights, a legal response is possible, but really the repressive system covers all stages including legal, leaving helpless the populations that suffer from these attacks.

"In the countryside the consequences of soya bean monoculture have been much more disastrous. The traditional agricultural communities near the large soya bean plantations are heavily affected ... The farmers - after long-term cultivation of different vegetables for their own use - found the whole yield destroyed after the fields have been sprayed Neighboring ... a pesticide which damages all plants out of the special plants GM Monsanto, which are "pesticide-resistant". A study from 2003 shows that the spraying has not only destroyed their fields. Their chicken died and other animals like horses have been damaged." (*TIME Questions No. 43 v. 31.10.05* "Can there be in a world with "gene food" Peace? " by FW Engdahl)

With no credit or government support, with a system that pretends to install only the GM monocultures in the Argentine land, and surrounded by these crops with its chemical applications, the possibilities for growing vegetables or other grains is increasingly limited . It should be understood the entire system to see the real consequences that involve all our territory. By devastating traditional crops and farming life, it is also destroyed centuries of culture and traditions that make the diversity of our country ... Monoculture bring Monocultures.

Life is no longer possible for farmers and / or small producers near the areas where GM soya is grown. They are also badly affected pets, farm and wild animals, many of which are in danger of extinction.

There is also a terrible poisoning of water sources by the indiscriminate use of pesticides. But people still depend on water, drink the contaminated water and suffers, among others, from regularly fever and other terminal diseases.

This shows that the future of agriculture must be found very clearly in natural or organic agriculture and not in the cultivation of genetically modified plants. The Argentine government must immediately stop the rural exodus and the expropriation of land, provide sufficient land and seeds for their own production of the population, before producing for export, and strictly prohibit the spraying of pesticides, to ensure the livelihood of its people and put an immediate end to poverty and malnutrition, revitalizing rural culture and local development to achieve food production throughout the country to areas surrounding where it is produced.

Article 11 (2):

- a) "To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge ... and by developing or reforming agrarian systems ... with the objective of maximizing the development and use of natural resources "**

We also have to add that for many years now the jungle, the mountains and the few remaining virgin forests have been eliminated to install new soybean growing areas, this concern installed was also taken by the Supreme Court of the Nation Argentina in the ruling "Salas,

Dino and other c/ Government of the Province of Salta and the National State s/ amparo", ruling dated 29/12/2008.

Still, despite the enormous resistance that exists in communities that live in these forests, the Government has done nothing to stop deforestation and halt the spread of GM crops.

As the "Grupo de Reflexión Rural", we undertook a campaign in Defense of Mount and Forest (<http://defensamontebosqueselvagr.blogspot.com/>) as a way to defend the territories that remain as a safeguard for biodiversity and life of populations that live there in harmony with those lands.

...The ground is not suitable for soybean cultivation; nutrients etc. are so artificially added. The inhabitants of the forest are deprived of their livelihood; they only have the option to end as landless people in the suburbs of large cities.

In addition, the use of pesticides, which have contaminated everything and makes the soil infertile:

"You spoke of a new rust fungus, as is the situation with the pests on soybean fields?"

Meanwhile, we have fourteen different weeds that have become resistant to the Roundup, the herbicide consumption has increased since the first cultivation in 1997 to five times that.

The reduction of pesticides used is always one of the central arguments for the use of genetically modified plants has been ...

... And Argentina is the proof that this argument is untenable. "

("Soy, soy and soy again ..." GeN, June 2004, p.2)

As agriculture is resistant to GM crops, apiculture is also seriously affected by pesticide use. There have been many claims from Argentine beekeepers and reports that show the serious deterioration and death of bees who have been sprayed with toxins.

"Argentina is the fifth largest honey producer in the world. And the number one export. Last year we lost 1.6 million hives, the bees have died off because, because beekeepers throw in the towel." Lucas Martinez, president of the Argentine Beekeepers Association Sada. And states: Last year the country lost thirty percent of its honey bee colonies. "The big problem for us is the massive cultivation of soy, soy-Gen. The more and more displaced by beekeepers, especially in the pampas, where they worked until now. The massive use of herbicide kills the bees." Because the herbicides kill all other plants, mainly to serve the honey bees as food. After the soybean harvest is left behind nothing remains but dusty, lifeless fields." (*"Talk about bees dying " Funk v. Germany 17.09.2009)*

In this case, natural resources of another professional group are destroyed:

the Argentine beekeepers!

Do bees die of starvation due to the transgenic soybean fields?

Argentine beekeepers have noticed a dramatic decline of bees. In 2008, they lost nearly a third of their bee colonies.

The immense loss of 1.6 million beehives has to do with the massive cultivation of genetically modified soybeans, suspects Luca Martinez, president of the Argentine Beekeepers Association Sada. In an interview with the radio of Alemania Martinez, he explained this relationship: for the

cultivation of genetically modified (GM) organism, like soybean, there are used fields in which there are usually flowers and plants that provide food for bees.

The bees simply starved to death because of the large area of soy monocultures. Argentina is one of the largest soybean producers in the world.

On the other hand, Monsanto's Roundup herbicide accumulates in the ground and deteriorates its composition, in addition to the effects directly on the bees to be sprayed with these toxins. For beekeepers in Argentina, one of the largest exporters of honey, the consequences of this development have been fatal: in four years the export of honey halved.

Luca Martinez appealed at the World Congress of beekeepers ("Apimondia"), specially on European beekeepers, to be against the use of GM soybeans as food.

Bees play a central role in the pollination and the maintenance of a rich fauna. The Argentine example shows what fatal consequences can have the cultivation of genetically modified monocultures on biodiversity. ("*Starvation Gensojafelder by bees?*" - 22.12.09 Laura Möhr)

In short, it is clear that genetic engineering is NOT the right method to improve the situation of agriculture and food security in the world, but rather is a method that destroys natural resources, biodiversity and minimizes the quantity and quality of food production.

"A lie in the propaganda of the GMO industry was unmasked: it is not true that GMOs need less pesticides but the truth is that GMOs need more pesticides year by year." ("*More pesticides are sprayed over GMOs*", by scientific study in Benbrook Ökologo 1 / 2004, p.2). An increase of 50 – 60 % is found. ("*uneconomical in the long run*" by Klaus Faissner in "Danger Genetic Engineering", p.234).

b) "in order to ensure a fair distribution of food in the world according to needs, considering the problems of the food exporting and importing countries".

As mentioned, the Argentine government is increasingly relying on exports. Economic inequality is emphasized and large agriculture exportations are favored, since even in the disastrous soybeans cultivation, those with medium or small plantations can not participate, due to the high costs of inputs, machinery and deductions imposed on them.

Argentina is one of the richest agricultural countries in the world - and yet people are hungry. The economic income from exports are enormous and still rising, but only remain in hands of businessman of soybean, seed companies and grain, and above all, in hands of the big exporters and, therefore, in no way it benefits the population. On the contrary, more exports, more incomes - more hunger and landlessness. International organizations like the World Bank support this policy too, that has as compensation the social containment through subsidies of all kinds, which is enough to subsist the families that arrive to the poverty places of large cities, but that is not enough to change their destiny or improve their quality of life.

In Europe, soy is used to feed our animals or for cars that run on biodiesel and in contrast, in Argentina, more people die of hunger. The number of our own farms each year is dramatically reduced because the local farming is not profitable due to the huge amounts of import. The taxpayer must suffer the consequences - for example, the increase in unemployment, etc.

This distribution system is prejudicial to local farmers around the world. The agro-corporations are the only winners also here in Europe. If local farmers produce for their own supply or to offer for their community or their country, they could all be winners.

The first experiences in Argentina, Brazil, India, Canada, Panama and other countries show exactly the same development: **genetic engineering produces hunger and exclusion, it does not combat it.**

CONCLUSION: In order to ensure Food Sovereignty and Food Security of our people, we must improve the social and environmental production conditions. A short-term increase in yields through technical means, destroys the environment, cultures of villages and the possibility of living and eating with dignity. A destroyed ecosystem can not feed future generations.

In order to improve methods of production, better distribution of food and to allow the use of property or natural resources effectively and ensure long term continuity of life and their use, we demand to the Argentine government to reduce the GE monoculture, with plans to repopulate the territory and support to small farmers, promoting access to land for family farming and small-scale population, stop the deforestation of forests and advocate on their foreign policy by the resignation of genetic engineering in agriculture and food production as a way of solving hunger in the world and force an equitable distribution of available food.

4. Violation to the Right on Health (Article 12)

The small farmers and peasants, not only have to fight repression and expulsion from their land, almost 100% of the soybeans grown in Argentina is genetically modified and sprayed with pesticides such as Glyphosate. These herbicides kill all the biodiversity, produce major health problems that have been deeply tested by doctors in rural communities, where they have shown birth defects, a large increase in cancers, allergies, respiratory problems, spontaneous abortions, fever and burning eyes.⁷⁷

"The ruthless criticism of the cultivation of soybean in Argentina is getting louder. Not least of which confirmed the poisoning of human and environmental science has created in recent years, parliaments and courts on the plan." (*"From frogs, chickens and eggs man "GeN, Oct. 2010)*

"In Argentina, life has become dangerous in the country a health issue. This is especially true for regions where the main export soybeans in large scale are grown. There the people are afraid of illness and death, the monoculture agriculture in the form of pesticides entails. Cancer at a young age, malformations, autoimmune diseases like lupus, kidney disease, respiratory and skin diseases are dozens of villages in the South American country on the Advance. The problem is serious ... An examination of the Garibaldi Hospital in the city of Rosario, province of Santa Fe brings testicular and stomach cancer in six villages in conjunction with the herbicide. The disease rate is three times higher than the national average. Liver cancer is also there to ten times more frequently, pancreatic and lung cancers are diagnosed twice."

(*" Sick villages "by Marcela Valente, 05/03/2009)*

In the soybean crop is primarily used herbicide glyphosate.

"In Argentina, only herbicide-tolerant GM soybean varieties are used that are tolerant to the herbicide Roundup of the U.S. agro-biotech company Monsanto. Monsanto, the world leader in transgenic seed, holds the rights to ninety percent of the world's grown transgenic seed. He deserves, as in the past, even today, his money with the sale of the herbicide Roundup (active

⁷⁷ See GRR, "Pueblos Fumigados":
http://www.grr.org.ar/trabajos/Pueblos_Fumigados_GRR_.pdf

ingredient: glyphosate). And its use has grown in Argentina of one million liters in 1994 to 150 million liters in 2003" (*Eat the food ... enjoy! GeN December 2004 page 3*)

"In contrast, Argentina's Environmental and other civil organizations have been complaining for at least five years, to suffer more and more people living near genetically modified soy fields of cancer, birth defects, kidney damage, as well as skin and respiratory diseases." (*"Laboratory frogs with deformities: Researchers warn of glyphosate herbicide "Tuesday, 21 April 2009*)

"The people report skin rash, nausea, headaches and birth defects. The small towns are crowded with their relatively small areas at the edge. Many young people see no future for them and move to the outskirts of the cities where they have no livelihood but as a rule. The statistics show that taking in vulnerable regions of the deformities of hand. It makes not the slightest doubt Carrasco. "The same applies to the glyphosate influenced by the genes and gene regulators: They are associated with certain birth defects" (*"Of frogs, chickens and eggs man" GeN, Oct. 2010*)

Herbicides as a cause of disease

Magui Arguello lives with his parents in the province of Buenos Aires. She is bound to a wheelchair, can not dress herself and will never be able to have fun with other children. Her parents suspect that there is a connection between Magui's disease and the high use of chemicals around them. Magui's father, Rodolfo, said: "This type of degeneration that she has, it did not exist before, it was not known until her birth. And then there were four more cases, not all with the same severity. A child has speech problems, others have disorders of the musculoskeletal system. "

According to medical diagnosis, the girl's brain has not been properly trained in both hemispheres. Does glyphosate may actually be the cause? Monsanto argues that it is not possible. But in Buenos Aires Professor Andrés Carrasco discovers a parallel view. Tested glyphosate in the amphibians, and also discovered there a defective formation of the cerebral hemispheres. His assessment: "The mechanism of inducing these malformations it is due to glyphosate, which is an enzyme poison."

... For over five years are examined here the effect of glyphosate on human cells. ...

One of the consequences: cell death in 24 hours. He says: "Glyphosate has been shown in numerous studies around the world to be toxic. For human cells, glyphosate is toxic even at very low doses, much lower than those used by the farmer in his field. This means Roundup 'is even more toxic than glyphosate because glyphosate is only one of several substances, Roundup' "(*"plant protection use even with GM soya "- The mission Erste.de 8:02:11*).

Scientists: "Roundup" may lead to birth defects in embryos

Vienna - On Thursday, the Argentine scientist Andres Carrasco has warned about the harmful effects on the cultivation of transgenic soy in a press conference [1] in Vienna: An investigation showed that the spray "Roundup" from Monsanto, which is used in the GM soybean fields "Roundup Ready" crops in Argentina, has resulted in very low amounts of malformations in embryos of chickens and frogs. The connection with the growing number of health problems in key producing areas, it is obvious, according to Carrasco.

The active ingredient glyphosate

Carrasco, director of the Laboratory of Molecular Embryology of the Medical University of Buenos Aires, has demonstrated, along with colleagues from Great Britain, Brazil, Argentina and the United States, that particularly the main active ingredient, glyphosate, in "Roundup" is highly toxic

and causes cancer. Even at a concentration below the usual amounts for fumigation in agriculture, has shown deformities in animal embryos.

The study was initiated because the investigators were alarmed by the high rate of birth defects in agricultural areas, where GM soya is grown. "Those of us in the laboratory determined results fit exactly with the mistakes that are seen in people who were exposed to glyphosate during pregnancy," said Carrasco, " (*spray with an increase in birth defects implicated in "DNR v. 2:05:11)*

A recent French study at the University of Caen shows even now that residues of glyphosate are detectable in most food and GM feed on the market today can be harmful and even fatal in human cells - even at very low levels. "Despite a dilution 100.000fold the insert resulted in a complete death of cells in 24 hours, blocked the vesicular breathing and caused DNA damages." (*14:01:09 Global 2000)*

"When we were at the doctor in Rosario, my husband has asked first whether he works in agriculture." The probability that his sperm lose because of agrochemicals to procreation is given. Her husband was not an isolated case in the region. I hear more often that it does not work with the babies "... Two roads Susana Manzano has continued her practice. The biochemist through blood tests. "Statistically, we all die in San Jorge to respiratory arrest. But the reasons for this not to be found in the statistics," she says. Although the increase of cancer and suffer more and more young men to infertility. " (*"Agriculture - the poison into the lungs "Taz 20.07.2010).*

These facts also show that the use of GM crops, as GM soy, involves a violation of Human Rights to health - and should be stopped immediately by the government!

5. Violations of the Rights of People concerning self-determination (Article 1)

Section 1: "All People have the right to self-determination"

Section 2: " All peoples may, for their own ends, freely dispose of their natural wealth and resources - in no case may a people be deprived of their means of existence!"

Monoculture promotes desertification of soils and loss of fertility. The deforestation destroys the basis of life of the indigenous people, small farmers and rural people. The expulsions, with the result of the exodus of small farmers in the suburbs of large cities, do the rest to increase poverty and steal the resources of the nation.

In the lasts years, especially the growing areas of soybean threatened forest types in South America and promoted its destruction. They are threatened for example the tropical fog forests of Argentina, particularly in the lower elevations below 600 meters (over sea level), called Selva Pedemontana (forests at the foot of the mountain).

What is needed is a guarantee of access by indigenous and rural residents to own land, which provides them. (*Eat the food ... enjoy! GeN December 2004 page)*

"Those who use glyphosate as an herbicide] change not only our environment, soil and water - they change our lives." Illustrates the scientist: "This type of soy production, everything changes. It changes the culture, social networks, it changes the whole life, everyday life. The soil is contaminated, the water is contaminated, and there are no butterflies, no birds. ... The animals in

the local communities are being poisoned" (" *From frogs, chickens and eggs man "GeN from October 2010)*

The need of thinking proposals for agricultural models for our Latin America is urgent. This comes from various reasons, including and especially from the way global capitalism impose in our countries and across transnational corporations new colonial situations that determine primarization of our economies and mass production of commodities. Those new units also involve the appropriation of natural resources, with destruction of ecosystems and a strong impact on rural populations. We need to find the intellectual elements that allow us to see and confront these new situations neocolonial, be able to rethink the relations of the city and the countryside in times of globalization, while demonstrating that the advance of agribusiness and industrial models of agriculture GM crops are not inevitable as we are taught and as we are naturalized through pedagogical colonization, and which form an attack on cultural identity, on the roots of the people, on their food heritage and on their immediate survival chance in the society colonized by corporations.

We believe that both the farmers as indigenous populations, as well as many small farmers and industries from the city who are called by a vocation to life in the country, naturally tend to preserve ecosystems and their key elements. However, the pressure of consumerism and input dependence models on them, as well as the temptation of the high-end technologies, the demands for export and urban lifestyles, are constant and growing on these sectors. It is urgent, then, the necessity to set criteria and paradigms of both liberation and local rural development. Lifestyles that can recover the self esteem of rural labor and land, while figuring out production models increasingly friendly to nature, that can allow the restore those intelligent relationships of observation and exploitation of resources, which have gone astray in the long gradual process of acculturation.

6. Violations to the Right to Freedom of Science & Research (Article 15)

On the last few years, "the funds for the health system as well as for educational and research sector have been reduced. Scientists, who threatened the loss of their positions and their research resources have been welcomed by the large agricultural corporations. The result was an alliance of interests. The scientists sat on the committees that approved the field trials. Central to this is the role of the "National Advisory Committee on Biotechnology Agricultural" (CONABIA - National Advisory Committee on Agricultural Biotechnology). This committee approved hundreds of field trials with genetically modified varieties. But people on the committee are not independent, their jobs depend directly on the biotechnology sector. " (*" Soy, soy and soy again .. "GeN, June 2004 Page 1)*

Science today "does not investigate what does not rent" and in this thought, genetic modification has become the central dogma of projects research paid for by the Federal Government and such modifications shall always have as final aim the production of "commodities" for export. It is in this monoculture of Argentine thought, that RR soya is released not "to end with the world hunger and fight against European subsidies" but for the simple reason that "no-till monoculture" is the most profitable crop and fundamentally is the one who requires less use of labor.

The national research institutes are subject to the CVT (Conventions Linking Technology) euphemism by which companies count with state employees and state facilities, to do researches of their own convenience, and which will be the ones that take the benefits.

In this vein, the GM market shows a marked "privatization" in the research and production of biotechnological innovations which has affected negatively both the development of scientific fields of social interest as the research funded with public funds due to being subordinated to

private interests of biotech corporations, favoring, in short, some technologies such as GM, to the detriment of others.

In this scenario, the corporate emphasis on protecting the intellectual property, in particular the application of patenting of seeds and vegetables varieties obtained by genetic engineering, is closely related to the "privatization" of the results of scientific research and the development of biotechnological innovations in hands of corporations. The pressure for the increased use of patents on genes and biotechnological processes by these great companies is designed to ensure not only their monopoly profits but also the control over its genetic research activities applied to industrial and commercial purposes. It should be noted the serious risks resulting from these conditions in terms of food sovereignty and public health.

7. Measures to ensure the Rights of Farmers, Peasants and Consumers

The following are necessary to ensure these rights:

- The immediate cessation of deforestation of the little amount of Mountains, Forests and Natural Forest that remains, which are homes and livelihoods of indigenous peoples and peasants as well as reservoir of biodiversity and Environmental Services providers.
- Begin to produce for local market before considering exporting. Return to produce variety of food, organizing agricultural production in the country with an eye on the food needs of our people and not in international markets, at least as a priority. This requires land colonization schemes, tax incentives to small producers and peasant life, counseling, low-cost loans.
- Recall basic food production nationally, based on our food sovereignty and with livelihoods in local developments.
- Back to populate our country with rural communities and small farmers who produce healthy food in an ecologically way and for local consumption, recovering the cultural value of such foods.
- Protect property or natural resources such as water, soil, forests and biodiversity from pollution and poisoning.

Therefore, we demand the government of Argentina:

- To recover our dignity and National and Food Sovereignty by dismantling "the model of soybeans" that has imposed to us a role as an exporter of commodities for feed and biodiesel for cars of "developed" countries.
- Stop the biotechnological experiment of which we are now more than 40 million "lab rats".
- Recall basic food production nationally, based on our Food Sovereignty and with livelihoods in local developments.
- Colonization plans to repopulate our land with rural communities and small farmers who produce healthy food in an ecologically and for local consumption.
- Restore the export control and reorganize the National Grain Commission, to re-create a low-cost sector with production of food for our population.
- Produce and maintain our own seed, rediscovering our lost genetic inheritance, by prohibiting the production, introduction, handling, transit and / or cultivation of Genetically Modified Organisms (GMO) and create the basis for another agriculture model in the country.

In summary, it is absolutely clear that the Argentine government fails to meet its obligations by signing the International Covenant on Economic, Social and Cultural Rights.

The people of Argentina is going through a great loss of cultural and food diversity, as a consequence of the "monoculture" imposed by what we call "the model of soybeans," by destroying the traditional foundations of food of our people, by deepening the banishment of thousands of families, rather than encouraging and deepening the cultures and the roots of communities and by simplifying the rich diversity of food that Argentina used to have, implementing and encouraging from the government policies to the planting of GM soy monocultures at the expense of production to meet local food needs.

As a consequence of this destructive system of life, biodiversity and culture, the Argentine people lose every day their food sovereignty.

The health of our people, which is directly related to lifestyle and the pollutants to which they are exposed, day after day is degraded, since every time more and more forests are cut, the fields are planted with monoculture of high toxic inputs rather than the various forms of agriculture that used to coexist.

All this can be defined as the depth of a model by the Argentine government that brings serious health damage, poverty, loss of diversity and culture, deforestation and pollution, increased hunger and rural exodus, with the paradox of having rates exports and increasing profits in one of the richest agricultural countries in the world.

We ask the Committee on Economic, Social and Cultural Rights to express their concern at the violations of the rights to food, health and integrity and our self-determination, which are dramatically violated by the intensification of monoculture transgenic model for export and we ask to act urgently to achieve the cessation of these injuries to our most basic Human Rights.

Answer of the UN-committee:

Press release

Geneva, 6.12.11

UN-committee for human rights criticizes again GVO in agriculture

The next great success against GM in agriculture:

The UN-committee for economic, social and cultural human rights criticises the use of GM in agriculture in Argentina and demands urgent measures from the argentine government to apply the traditional farming methods of the indigenous communities and to secure their access to safe, adequate and affordable food, to protect resources and to stop deforestation – and to involve the indigenous in decision-making.

The argentine NGO GRR and the founder of the international network Aktion GEN-Klage, Christiane Lüst, gave together an parallelreport to the UN-committee for human rights of the United Nations against the argentine government - on the consequences of a highly perturbing global development, the use of genetically modified GM-soya in Argentina. This seriously violates

the economic, social and cultural rights of the Argentinean Population, Farmers and Bee-Keepers. Argentina in particular is one of the most affected countries worldwide by this development.

The UN-committee for human rights has now – after a three-week-session – published the concluding observations – the demand to the Argentine government to stop immediately violations of human rights in Argentina, caused also by the use of GMO in agriculture.

Here the exact text, the full notice you find on the website of the committee:

10.

The Committee is concerned about cases in which the increased use of chemical pesticides and transgenic soya seeds in regions traditionally inhabited or used by indigenous communities have negatively affected these communities. It worries the Committee that these communities find it increasingly difficult to apply their traditional farming methods, and that as a consequence, this may become an important obstacle to the access to safe, adequate and affordable food. The Committee also notes with concern the scale of deforestation, which has forced indigenous peoples to leave territories traditionally occupied or used by them, and in spite of Law No. 2633 on Forest protection. The Committee is further concerned about the fact that the aforementioned activities are often carried out without an effective prior consultation with the affected groups of the population. (arts. 1, 11, 12, and 15).

The Committee urges the State party to ensure that the means of subsistence of indigenous communities and their enjoyment of economic, social and cultural rights are effectively protected and to develop institutional and procedural guarantees to ensure the effective participation of indigenous communities in decision-making on issues that affect them. The Committee also recommends that the State party ensure the full implementation of Law No. 2633 and other legislation regarding the protection of the non-renewable resources of the State party with a view to combat deforestation.

Here the Links to the website of the UN and the conclusions:

<http://www2.ohchr.org/english/bodies/cescr/cescrs47.htm>

Just in past the UN criticized governments to stop GMO, because it violates the human rights:

First time worldwide has been criticized the implementation of GM in agriculture as human right violation in the case of **India 2008** - and a government has been demanded to protect farmers for dependency on multinational corporations and to protect access to the old seeds.

2009 against Brazil they demanded to stop immediately the deforesting of the rainforests - in most cases for GM-soya - and the further destruction of livelihoods of indigenous people and little farmers, land concentration, slave-work, rural exodus and the increase of poverty.

2010 the committee demanded the **columbian government** to stop and reduce poverty – especially hunger and malnutrition. The government has to develop agricultural policies which prioritize the production of food and not for export; implement programs that protect national food production with incentives for small producers; and ensure the restitution of lands taken from

indigenous and afro-colombian peoples, as well as peasant communities.

In **May 2011** they demanded the **german government** to take political measures regarding the protection of health in the context of food containing genetically modified organisms.

The international pact of human right has been ratified about 140 countries worldwide, also Argentine. All five years this countries have to report in front of the UN-committee for economic, social and cultural human rights in Geneva about the situation of human rights in their country.

The governments have to implement the concluding observations in the next five years and especially in Argentine to keep contact to the NGOs and to give report about this every year.

In Argentina, are used in soybean cultivation nearly one hundred percent genetically modified varieties. The country is the third largest supplier of soy products worldwide, behind Brazil and the United States. At the same time, an increasing number of hungry people have been reported in recent years.

Already in 2004 the soybeans crop growing took over 48% of the total arable land. Hundreds of thousand people have been expelled from their land. Poverty and malnutrition rose rapidly.

Undernourishment - previously unknown in Argentina - increased with the introduction of genetic engineering to 17%. In 1970 the proportion of people living below the poverty line used to be at 5%. In 2004 it already was up to 51%. The spraying of agrochemicals on soybean plantations from the air destroyed the crops of peasant, their chicken died and other animals suffered damages and there were birth defects. People suffered from severe nausea, diarrhea, vomiting and skin lesions because of the sprayed herbicides. Vegetables turned up malformed and lakes suddenly were full of dead fish (*Agrar Info 160 September / October 2008 p. 3*).

The GM agro-biotechnology accelerates the extinction of small farmers around the world. Deforestation, an increasing use of pesticides, destruction of livelihoods of indigenous peoples, small farmers and peasants, land concentration, slave labour, the rural exodus and increasing poverty in the countryside are the effects already abundantly demonstrated of the consequences of an agro-industrial model of transgenic monoculture.

Christiane Lüst

Aktion GEN-Klage, Germany

Federico Aliaga

Grupo de Reflexión Rural - GRR, Argentina

www.grr.org.ar

Contact:

Federico Aliaga, Grupo de Reflexión Rural, Entre Ríos 85, Bella Vista, Buenos Aires, Argentina,
www.grr.org.ar

Tel: (+54 11) 4666-5327 / (+54 11) 156-271-7524

Mail: fedali2@hotmail.com

Christiane Lüst, Aktion GEN-Klage Berengariastr. 5, 82131 Gauting, W-Germany

Tel.: 0049 / 89 / 893 11 054 www.stopptgennahrungsmittel.de

Mail: christiane.luest@t-online.de

Parallel report to the 4th state report of the Republic of Paraguay on the implementation of the International Pact on Economic, Social and Cultural rights

Social Human Rights in Paraguay

Violations of Human Rights

as a result of the Genetic-Modified Soya-Monocultures

the Right to Food and Health -

for Small Farmers and the Paraguayan Population

Presented by:

Aktion GEN-Klage, Gauting / Germany

Christiane Lüst

Contact:

Christiane Lüst, Aktion GEN-Klage Berengariastr. 5, 82131 Gauting, Germany

Tel.: 0049 / 89 / 893 11 054 www.stopptgennahrungsmittel.de

Mail: christiane.luest@t-online.de

December 15th, 2014

The information provided in this report focuses upon the consequences of a highly alarming global development: the use of genetically modified organism (GMO) in agriculture. Paraguay in particular is one of the most affected countries worldwide by this development! „Almost the whole soy-harvest of Paraguay is based on genetic-manipulated seeds, the cultivation of genetic cotton should be developed in future. US-agro-chemical companies like Monsanto and Cargill receive considerable tax advantages in Paraguay.“ („Paraguay: Cold revolt for group interests « amerika21.de – 28.06.2012)

„**We fight for the life.**“ In Paraguay the opposition against the soy monocultures grows.“ (Steffi Holz, 2009)

The price of the soy monocultures in South America –

Expulsion and hunger in Paraguay – full troughs and tanks in Europe

„The soy farmers destroy the nature and the life of the people namely not only here in Paraguay, but worldwide. We know that soy is exported to Europe. But nobody knows in Europe how soy is produced.“ *Small farmer Gerónimo Arévalo, Alto Paraná, Paraguay*

„Soy is in everyone's mouth and this daily in form of meat products and milk products, eggs, candy and ready-to-serve meals. European stockbreeding companies and fattening farms feed yearly 40 million tons of soybean meal. Besides, the protein containing bean becomes more and more important for the production of agrarian fuels. However, while local european consumers profit from cheap meat- and milk products and think about agrofuels, the soy cultivation in the countries of origin has high side effects. The small country Paraguay in the heart of South America climbed up during the last years to the worldwide fourth largest soy-exporter. However, the industrial soy cultivation in monoculture threatens the small farming agriculture, destroys the environment and poisons the rural population. The application of genetically modified soybean varieties walks along with massive pesticide application, poisoning persons and environment.

The rapid soy-expansion aggravates the land conflict, anyway the most burning social problem in Paraguay, where 4% of the population dispose of 86% of the arable land. Even 90.000 families were forced to leave there country during the last decade, because they cannot compete with the soy farmers and do not bear the pesticide load any more.

The small farmers' unions, in which ten thousands are organised, defend themselves against the expulsion and offer resistance. With living walls they try to prevent sprayings with pesticides, land occupations are nothing unusual. The more the worldwide demand in soy rises, the more intensifies the situation also in Paraguay....

..... reports the little farmer and activist Esther Leiva from Paraguay (Organización Lucha por la Tierra (OLT), Espacio Unitario, Via Campesina) about the results of the soy cultivation in her country. Based on the current political situation in Paraguay ... the land conflict, the subject Genetic engineering in the agriculture, the results of the pesticide use, the threat of the little-farmers- life-style and questions of the food sovereignty move in the focus. Also closely related to this are the struggles of the social movements in Paraguay, which are very engaged, particularly in rural areas..." (<http://www.asta.uni-potsdam.de/2011/05/der-preis-der-sojamonokulturen-in-suedamerika/>)

This means a massive violation of the economic, social and cultural human rights of the Paraguayan population!

We are very concerned about this development, which continues to grow by further steps envisaged by the government to step up the GMO-growing in the face of rising profits.

We ask the Committee on Economic, Social and Cultural Rights to express its concern about the violations of the right to food - the drastic increase of poverty due to GM soy cultivation - and the right to health and integrity, which are dramatically violated through the use of GM soya and maize in Paraguay and to make recommendations to the Paraguayan government how to stop these violations of Human Rights immediately.

Christiane Lüst

Aktion GEN-Klage Germany

List of Content:

8. Introduction	3
9. Situation in Paraguay – reasons for the human right violations	4
10. Violation to the Right to Food (Art. 11)	6
11. Violation to the Right to Health (Art. 12)	11
12. Violations to the Right of the people concerning Self-Determination (Art. 1) ...	15
6. Violations to the Right to Freedom of Science & Research (Art. 15)	17
7. Measures to ensure the Rights of Farmers, Peasants and Consumers	17

1.) Introduction

„The advancing "soy front" drives the former small farmers of Paraguay before itself. Again and again the settlements of the without-country are removed. ... 116 million t were produced 2011 in the three South American countries, almost of it was genetic soy. In the 6-million country of Paraguay soy fields already put out three quarters of the whole agricultural area. Two years ago the agricultural production grew about incredible 50 percent.

However, not only Brazilian agribusiness companies profit from the boom, but also the agro multinationals Cargill, ADM.... “ (*Small farmer of Paraguay in the soy-stranglehold* , 1. june 2012)

„The green desert

The soybean demand of the industrial countries means hunger and displacement for the rural population of Paraguay. Even 90.000 families gave up her country during the last decade. They persist in illegal camps or end up in the slums of the capital Asunción. The winners of the soy boom are local Brazilian or also German big landowner, who profit from unlimited land acquisition, tax exemption on export and rising world market prices. ... On 2,7 million hectares soy is currently grown in Paraguay, and the cultivated area is growing in an uncontrolled manner. The soy expansion exacerbates the land conflict, ... the most urgent social problem. With about 80% of the arable land in the possession of two percent of the population Paraguay is among the countries with the most unfair land concentration worldwide.“ (*The feed blues 2.0, Agrarinfo may 2011 S. 1*)

„Raising Resistance – The price of the soy monocultures in South America

The film shows these magnificent, moving pictures, but particularly it shows the human face of a disaster for which we are all responsible... The documentary film Raising Resistance ... tells about the struggle of the Campesinos, the small farmers of Paraguay, against the increasingly aggressive GM-soy production spreading in the country and using this conflict it describes the global impacts, the use of the most modern genetic engineering in the 21st century has on man

and nature. It is a parable about displacing life, of people, and of the diversity of plants and crops. And about how resistance rises ...“ (*website to the film*)

„The ... expansion of the soy cultivation leads to negative impacts on the life of the population in Paraguay. Many people suffer from illnesses, caused by the chemical sprayings of the soy fields. Small farmers are expelled, so that even more soil can be used for soy cultivation. However, it stirs resistance.“ (<http://www.oneworld.at/start.asp?ID=225336>)

„This bean is a bomb – she destroys our life basis“ (*mirror, 4th of May, 12*)

The GM agro-biotechnology accelerates the extinction of small farmers around the world. Deforestation, an increasing use of pesticides, destruction of livelihoods of indigenous peoples, small farmers and peasants, land concentration, slave labour, the rural exodus and increasing poverty in the countryside are the effects showing another side of an agro-industrial model of transgenic monoculture.

We have great hopes that the Committee on Economic, Social and Cultural Rights immediately help reverse the depopulation of country (uprooting), hunger and health damage suffered by the people, and enforce the people rights, that are established in the International Pact on Economic, Social and Cultural Rights.

2.) Situation in Paraguay – Reasons for the human right violations

From a total of six million inhabitants of Paraguay two million people represent the rural population.

„About 43% of the population lives in rural areas, about half of the population lives in poverty. 19% even in extreme poverty. They have a day less than 1.25 US dollars at disposal.“ (*Films for one world: Raising Resistance p. 3*).

„Paraguay has one of the most unequal distribution of land throughout Latin America: 77% of the arable land is concentrated in the hands of only one percent of the population“. (*Upside Down World / IPS, 18.3.08*).

„Thus, Paraguay is in terms of unfair land distribution in the first place worldwide“ (*Steffi Holz, Paraguay, p. 225 2009*)

"Paraguay is one of the most corrupt countries in the world ... In contrast, 44 percent of small-scale farmers have only one percent of the soils. The number of landless, small farmers and their families is estimated at 300.000. Either they have never owned land, were forcibly evicted from their soil or had to sell their land to expanding soybean farmers because of their precarious financial situation. Other small producers, who have been situated near industrially farmed gm-soy-plantations, gave up their plots because of the health impact of pesticide use. Organized landless people have been fighting for years for agrarian reform ... and request the return of illegally acquired lands. They also reject the monocultures off because they displace smallholder agriculture. "*(films for a world: Raising Resistance p.3 / 4)*.

A large part of the country - namely 70% - belongs to foreign, primarily Brazilian landowners.

Since the mid-1960s the country was hit by a massive expansion of soy cultivation, which boomed in the late 1990s. In this case, genetically modified seeds were introduced by corporations such as Monsanto. Boosted by the demand for livestock feed and bio fuels, Paraguay developed for today's fourth largest exporter of soybeans, behind the USA, Brazil and Argentina. According to the Agriculture Ministry soy is grown on 2.4 million hectares, what minds 38% of the agricultural production of the country (IPS, 08/11/07). 80% of soy plantations are genetically manipulated. (*Latin America News 393 March 07*).
(<http://www.oneworld.at/start.asp?ID=225336>)

For the country in the heart of the South American continent, the soybean is the number one export product ... No agricultural product claimed in further increasingly more area. It have been even 2,6 million hectares in the recent growing season - and this with only 4.2 million hectares of arable agricultural land designated. And the soy front of the large landowners continues apace massive. This massive expansion of soy monocultures in Paraguay is often associated with land conflicts, human rights abuses, expulsions - and with agricultural poisons that are extensively sprayed onto the soy fields.

(<http://fdcl-berlin.de/aktuelles/2008/november-2008-sojarepublik-paraguay-der-widerstand-der-kleinbauern-gegen-die-sozialen-und-oekologischen-folgen-der-sojamonokulturen-in-paraguay/#c3600>)

"... that people give up on the rural areas and move away. Since years tens of thousands continuously migrated to the big cities of Paraguay ... From the streets in Asunción they are no longer indispensable: begging children, men and women, street vendors, prostitutes, garbage collectors with their self-built cars, which sort the waste of city dwellers to sell it in the recycling yard ... Many of them live in the slums on the peripheral city, which have grown in the past 15 years by about 75%. Bañado Sur is one of these sumps in the south of the capital. "The district... is now growing rapidly by campesinos, which are distributed by the soy." More than 60,000 people live here now ..." (Steffi Holz, *Paraguay p. 244/245; 2009*)

"... 78% of the soy animal feed in Europe is imported from Argentina, Brazil and Paraguay.By the great demand within Europe - particularly from Germany - the climbing of soy production continues. For this, the companies would also cut down rainforests - with catastrophic consequences for the climate and the environment. ("*A crime against humanity*", *Miesbacher Merkur 3.6.11 page 4*)

"Soy from Paraguay - cultivated with high side effects for the local population:

The model of monoculture displaces the subsistence economy of the small farmers, which are more than half of the population. It intensifies the land conflict, destroys the social structure of the campesinos, threatens their livelihoods, and the regular use of pesticides in the predominantly genetically modified varieties makes sick to death." (Steffi Holz, *Paraguay p. 247, 2009*)

3.) Violation to the Right to Food (Art. 11)

This right is no longer guaranteed in Paraguay.

"A crime against humanity"

"The issue of soy monocultures in South America has reached a worldwide dimension, that affects all areas of life ... she painted a black picture of conditions in her home country Paraguay. It had now become to a "green desert" - because of the huge soybean acreage. That

would probably be still tolerable for her and 15,000 activists in Paraguay, but not the circumstances. Since 2000 big companies grow GM crops ... The problem is that the responsible - 80 percent come from abroad - use fertilizers for that, destroying all other plants except the soy bean. Since the poisons are also sprayed from airplanes, they settled down by the winds on the fields of the small farmers, who hardly grow soybeans traditionally. The poison parches the harvest and deprives livelihoods of the locals. Anyway many of them do not have any more land - approximately a third of the population lives in poverty." (*"A crime against humanity", Fr. 3.6.11 Miesbacher Merkur*).

Social and environmental impacts

The economic model of Paraguay is mainly based on the monoculture cultivation of soybeans for export and reduces the acreage for other plants. Traditional industries such as timber, livestock and cotton production were displaced by the soybean industry. In contrast to the labor-intensive cultivation of cotton and different crops, the heavily mechanized cultivation of soybean caused high unemployment in the country. Also the subsistence agriculture of the campesinos (small farmers) has been increasingly marginalized. Because an increasing number of people no longer find their daily livelihood, many flock to the cities, where they settle in the slums forming an urban underclass.

A further consequence of soy cultivation is the active expulsion of campesinos from their fields, which serves the goal of expanding the acreage. To this purpose, the landowners put up paramilitary units and release them to the residents of the communities. In many cases, the state intervened on the side of the big landowners and sends military and police. Since the first soy boom about 100.000 campesinos have been displaced from their land and countless indigenous communities resettled (*Toward Freedom, 09/25/08*). Between 1989 and 2005, in Paraguay 75 campesinos has been killed (*ila 312 February 08*). In other cases, the soy companies try to buy or lease the land from the campesinos, what leads to conflicts within the communities, because many campesinos vehemently fight back against the spread of soybean cultivation.

In order to gain the area necessary for soy cultivation, a massive process of deforestation was set in motion. Instead of the previously lush forests, today green soy deserts dominate the image. The sprayed chemicals deposit on once fertile soils. (*IPS, 11/08/07*).

(<http://www.oneworld.at/start.asp?ID=225336>)

"For a just world. Without poverty.

Country for the youth in Paraguay!

Farmers need access to land! What sounds logical, in Paraguay it's no longer a matter of course: Dolores Peralta and Luis Olmedo Curuguay are two of a total of 260 young people, which their arable land was stolen in 2012. Since then they fight for their rights – until now without success.

It's about land attributable to the farmers lawfully, but that is now used by agribusiness for large-scale cultivation of soy. The case is heard again at November 17th 2014. That is why we are now calling for President Horacio Cartes, to promote for the young people of Curuguay and give them the land back, which is attributable to them.

We ask the president of Paraguay ...:

- To return the arable land of Curuguay to the young farmers, so that they can provide for themselves and their families
- To promote also in future for the ensuring of the public resources of Paraguay and not to lease farmland to Companies for monoculture cultivation"

(<https://www.oxfam.de/mitmachen/paraguay-land> - *Oxfam: country for the youth in Paraguay!*)"

„Food sovereignty in danger

Monsanto and Co., contaminate illegally the traditional maize seeds by smuggled GM maize, driving the farmers unintentionally in the dependence of the seed companies, because GM maize cannot be reused as seed (farmers traditionally use each year a portion of their harvest for re-planting in the next year) - the seed must be bought new by the big companies every year.

"Maize is the basic food of our population... this is an attack on the culture of the indigenous people and campesinos and their food sovereignty" (<http://www.taz.de/!99622/> "attack on the indigenous culture" 08/15/12).

"More and more people move to the cities, because they cannot stand the poison any more or lose their land, because they have become indebted by soybean cultivation. In the capital Asunción they struggle as street vendors and garbage recyclers, through prostitution or begging. Only 90.000 families gave of their land during the last decade.

Business with soy is worthwhile for some few, thanks to unlimited land acquisition, tax exemption on export and rising world market prices. Approximately 300 US dollar gets a producer per ton. In 2008, six million tons were harvested from this ... And so arise in the fertile soil of Paraguay further gigantic monocultures destroying jobs instead of creating new ones. They displace the peasant agriculture and with it the traditional model of subsistence.

This exacerbates the land conflict, which is already the most urgent social problem in Paraguay, which shows with about 80% of arable land owned by two percent of the population one of the most unequal country concentrations worldwide.

With the election of the Democrat and former bishop Fernando Lugo in 2008, stopping the 61-year autocratic rule of the conservative Colorado Party, the smallholders hoped for fundamental reforms. But their situation has not improved and they fight in numerous associations and organizations furthermore for agrarian reform and a self-determined agriculture- and food-policies in Paraguay.

"We know very well, that there is a big business behind the industrial soy production, but for the small producers, it is neither profitable nor sustainable, because it destroys the environment and therefore our livelihood. Our future can only lie in an agriculture, which defends life. And we are fighting for it," says Geronimo Arévalo. ("*Poison for the people. In Paraguay, the resistance to the soybean monocultures grows*" Steffi Holz, 19.1.11)

"Worldwide demand for soy has increased in recent years and the need for land for cultivation grows. For it forests are being cut down, driving out of the inhabiting indigenous, and small-farming arable land must yield monocultures.

Herbicides: Poison for man and environment

In order to increase the yield, genetically engineered crops are grown being resistant to the herbicide glyphosate. But the plant-poison is not selective. It destroys weeds next to the soy fields and also the crops on neighboring parcels of small-scale producers.

The extensive cultivation of GM soya has fatal effects on biodiversity and the health of the rural population. The plantings leach the soil, accelerate their erosion and herbicide residues poison the waters. Glyphosate is particularly toxic for insects, amphibians and fishes ("*films for one world: Raising Resistance p. 4/5*).

"... Esteban knows about the negative consequences that the soybeans bring for the environment: "By engineered agriculture, the soil compacted more and more. Water cannot penetrate, instead the rain flooded off the surface, so that the fertility declines. The leached chemicals pollute the rivers. "...

Finally a social effect of soy is, that many children are malnourished, because many families do not grow enough for their own need and would not have enough to eat as a result of this lack of self-sufficiency. "The problem is that there is no functioning agricultural model for the campesinos and no national market for their food. The cultivation of soy appears then as an alternative to earn some money." But the original production chains are destroyed by it. And the profits retain the seeds companies. "The soy production is worthwhile only for large producers," he notes. "The small farmers make losses and sooner or later forced to abandon their land." (*Steffi Holz, Paraguay, p. 221, 2009*)

"... the half of the Paraguayan population are subsistence farmers, who should own the land which they plant as self-caterer. 300.000 landless families have no access to arable land." Malnutrition and hunger are prevalent among the rural population. Against this background, land occupations are not an organized business of a few with trying to enrich themselves personally, but the expression of an existential situation." (*Steffi Holz, Paraguay p. 225, 2009*)

"We know very well the fact that behind the industrial soy production there is a big business, but for the small producers it is neither profitable nor sustainable, because it destroys the environment and therefore our livelihood. They have no interest in helping us; they want us out of the way. However, our future can only lie in an agriculture, which defends life without destroying nature. And we fight for it," he says.

The soy expansion means less space for the subsistence of small farmers and the loss of natural diversity through monoculture and environmental impact. In many places the livelihoods of farmers have been destroyed or threatened. (*Smallholder Jeronimo Arevalo, Member of ASAGRAPA in "Paraguay" by Steffi Holz, p. 228, 2009*).

Exports instead of self-sufficiency

Surfaces for self-cultivation are reduced. The jungle is cut down in large quantities for new industrial cultivation's land. Many times the inhabitants of these forests and small farmers are evicted from their land by the "force" of great businessman in agriculture, or are killed to obtain more arable land for themselves. There is rarely compensation payments, refunds etc., as only in a few cases and often only with international help of human right organizations on site, a legal prosecution is possible, that most still goes out in favor of the landowners, because the jurisdiction is often made from its own ranks and the State earns on soybean exports.

GM crops make self-cultivation impossible and poison the water supply

By splashing the fields with herbicides, mostly from airplanes, the neighboring fields and villages are sprayed with, what leads to heavy health defects for persons and animals and destroys all other plants.

"In the countryside the consequences of soya bean monoculture have been much more disastrous. The traditional agricultural communities near the large soya bean plantations are heavily affected ... the farmers - after long-term cultivation of different vegetables for their own use - found the whole yield destroyed after the neighboring fields ... have been sprayed, a pesticide, which damages all plants out of the special GM-plants from Monsanto, which are "pesticide-resistant". A study from 2003 shows that the spraying has not only destroyed their fields. Their chicken died and other animals above all horses suffered damages." (*TIME Questions No. 43 v. 31.10.05" Can there be in a world with "gene food" Peace? " by FW Engdahl*).

Life is no longer possible for small producers near the areas, where GM soya is grown. There is also a terrible poisoning of water sources. But people still depend on water, drink the contaminated water and suffers, among others, from regularly fever and other terminal diseases. (*We feed the world*)

This shows that the future of agriculture must be found very clearly in organic agriculture and not in the cultivation of genetically modified plants. The Paraguayan government must immediately stop the rural exodus and the expropriation of land, provide sufficient land and seeds for the own production of the population, before producing for export and strictly prohibit the spraying of pesticides close to residential areas of the locals - to ensure the livelihood of its people and put an immediate end to poverty and malnutrition.

Article 11 (2):

a) "To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge ... and by developing or reforming agrarian systems ... with the aim of maximizing the development and use of natural resources "

"... Let us speak about how life has changed in the last 20 or 30 years also here and the forest was almost completely cleared. The soybean has spread everywhere surrounding the municipalities completely. "The use of many pesticides threatens the people living in it," says ZEPI." (*Steffi Holz, Paraguay p. 219, 2009*)

We also have to add that for many years now the jungle ...has been eliminated to install new soybean growing areas... The forest population is thus deprived of their livelihood, they have deducted only option now as landless in the slums of large cities. The World Bank is financing the road to promote forest degradation and soybean cultivation. ("*Nosotros alimentamos al mundo*" / "*We feed the world*"). The use of natural resources and the livelihood of the inhabitants are so irrevocably destroyed in favor of the profits of a few large agribusinesses.

In addition, the use of pesticides, which have contaminated everything and makes the soil infertile.

In short, it is clear that genetic engineering is NOT the right method to improve the situation of agriculture and food security in the world, but rather is a method that destroys natural resources, biodiversity and minimizes the quantity and quality of food production.

"A lie in the propaganda of the GMO industry was unmasked: it is not true that GMOs need less pesticides but the truth is that GMOs need more pesticides year by year." ("*More pesticides are sprayed over GMOs*", by scientific study in *Benbrook Ökologo 1 / 2004, p.2*). An increase of 50 – 60 % is found. ("*uneconomical in the long run*" by Klaus Faissner in "*Danger Genetic Engineering*", p.234).

b) "in order to ensure a fair distribution of food in the world according to needs, considering the problems of the food exporting and importing countries "

As already mentioned, the Paraguayan government places more and more on export, the possibility of self-sufficiency of the Paraguayan becomes increasingly destroyed. Economic

inequality is increasing and the large agricultural corporations benefit by putting on the destructive soybean culture ...

Europe imports 90% of its soy from overseas. The soy is increasingly used here to feed the animals or for the cars driving with biodiesel - and return starve in Paraguay increasingly people. Our maize and wheat is burnt increasingly for district heating or, however, our surfaces lie fallow – subsidized by the EU— instead used for food or as animal feed. Our own farms each year drastically decrease, because of the huge volume of imports the own cultivation becomes unprofitable here. The taxpayer must carry the consequences - for growing unemployment, etc.

This distribution system harms the local farmers around the world. The agro-corporations are the only winners - also here in Europe. If local farmers produce for their own supply or to offer for their community or their country, they could all be winners.

The first experiences in Paraguay, Argentina, Brazil, India, Canada and other countries show exactly the same development: genetic engineering produces hunger.

CONCLUSION: In order to ensure Food Sovereignty and Food Security of our people, we must improve the social and environmental production conditions. A short-term increase of yields through technical means is the wrong way - it destroys the environment, cultures of villages and the possibility of living and eating with dignity. A destroyed ecosystem cannot feed future generations..... A sustainable protection of the food needs an agriculture, which preserves the natural bases: healthy and fertile grounds, clean water as well as a huge number of plants and animals.“ (www.greenpeace.de/themen/gentechnik/ „Genetic engineering – no hope for the starving“ from the 10/1/2004).

In order to improve methods of production, better distribution of food and to allow the use of natural resources effectively and ensure long term continuity of life and their use, we demand to the Paraguayan government

- to reduce the GM-soy-cultivation in favor of land for the own-cultivation of the population

- to stop the deforestation

- to advocate on their foreign policy to renounce of genetic engineering in agriculture and food production as a way of solving hunger in the world

- and force a fair distribution of land and available food.

4.) Violation to the Right to Health (Art. 12)

In Paraguay different small farmer's organizations and the remained small-farmer- municipalities offer resistance against these life-menacing sprayings with field poisons, which are sprayed extensive on the soy fields: If the wind for adjoining living small farmer's families stands bad, they are sprayed with.

In view of more than 70 percent of genetically manipulated soy in Paraguay - other estimates go out to 90 percent - one of the most-sprayed field poisons is the 'Roundup' from the house of the

chemical multinational Monsanto. However, also the other agro chemistry multinationals, Bayer and Syngenta, produce and market herbicides and pesticides in big style - also in Paraguay.

„Because the gigantic areas under cultivation often border immediately on schools and human settlements, it would come increasingly to heavy health damages with the population ... under it infections, allergies, physical deformities and even cancer illnesses. Many of the used pesticides are forbidden in Europe. With us they are used unabashed. This is in the long term an attempt against the humanity.“ (*“An attempt against the humanity, 3rd of June 11*)

„Numerous people leave their country, however, also on account of the unhealthy consequences of the field-spraying with chemicals, which cause cancer, allergic reactions, respiratory problems and feeling of sickness. Women complain about miscarriages, deformities with fetuses and the death of many children. The situation is still aggravated by the fact that the rural regions hardly have access to adequate medical care.“ (*Upside Down World / IPS, 18.3.08 und IPS, 8.11.07*). (<http://www.oneworld.at/start.asp?ID=225336>)

„Many children are born with deformities. For families there is no more guarantee that their children are born healthy ... The plant protection agent is injurious, not only to plants, but also to people. The genetic engineering destroys us. Ourselves, our food and our environment.“ (*“The genetic engineering destroys us“ taz 10.04.12*).

„In Paraguay different small farmer's organizations and the remained small-farmers-municipalities offer to resistance against these life-menacing sprayings with field poisons and the massive expansion of the wide soy monocultures – especially in recent months the social conflict has worsened considerably.

The small farmers union of Alto Paraná (ASAGRAPA) is one of the organizations from the soy region, which leads and accompanies this fight actively. In this context ASAGRAPA started the campaign "Stop the sprayings: Defense of communities and life" in December 2007 together with further organizations" (*“Paren de fumigar en defensa de la comunidad y de la vida?“*).

(<http://fdcl-berlin.de/aktuelles/2008/november-2008-sojarepublik-paraguay-der-widerstand-der-kleinbauern-gegen-die-sozialen-und-oekologischen-folgen-der-sojamonokulturen-in-paraguay/#c3600>)

„The huge genetic soy monocultures fatally affect not only the biodiversity, but also on the health of the rural population: Because of the growing resistance of weed against the Monsanto herbicide Roundup or his Chinese Imitate it is sprayed more and more, thousands of small farmers are poisoned by the swaths or remains in brooks. Juana Cuba from the landless settlement experienced a stillbirth. "This may be due to the sprays", assumes the 31-year-old.

Because their situation often seems hopeless, more and more farmers are committed to nonviolent actions in Paraguay. Their struggle against the seemingly all-powerful agribusiness is impressive illuminated in the documentary Raising Resistance, which started off just in cinemas. "Our young people have been politicized," says the protagonist Jeronimo Arévalos, "the number of those who are opposed to genetic engineering and the injection of poison, is increasing." (<http://derstandard.at/1338558425432/Agrobusiness-Paraguays-Kleinbauern-im-Soja-Wuergegriff>)

"There are women like the small farmer Juana Gonzalez, whose peanut harvest is decomposed internally by the aggressive pesticides agrochemicals, or the boy from her village: a bath in the contaminated brook has cost him the eyesight.“ (*“This bean is a bomb“ Mirror, May 4, 2012*)

"Headache, rash, abdominal pain and diarrhea, nausea with vomiting and deformities are only some of the side effects that she enumerates. There are no protective green stripes, which are actually required by law for large producers: "They don't want to reduce their acreage planted, but every inch plant only with soy." In San Pedro, many farmers are already sensitized of this problem. They organize demonstrations and try to stop spraying the fields with living walls in the way. But the Brazilian soybean growers are supported by police and military and are hiring armed security forces to intimidate whole communities and activists threaten. "For them, we are cockroaches," said Lucia.... "But if we give up and leave our country - what remains to us at all?" she asks.

"For the rural population the arable poisons mean a slow death," confirms Dr. Silvia Gonzalez from the Research Institute CEIDRA the long-term effects of agents, which are carried by the wind for miles. At a meeting, she discussed which chemicals, pesticides, fungicides, etc. come in Paraguay for use and that they have long been banned in Europe as a carcinogen. She tries to improve legal guidelines for the protection of the rural population, but the agricultural lobby in parliament always boycotted such bills with the argument that there is adequate protection. Even in acute cases such as the death of eleven year old Silvino Talavera, who was sprayed two times in a row of pesticide in 2003, deny soy entrepreneurs their responsibility, "Evidences are always required for which the death was caused, and finally they proclaim then, that the parties concerned died on malnutrition, diarrhea or fever - what exactly are the symptoms, that are caused by agricultural poisons. But it is very difficult to prove cause and effect scientifically. Paraguay is a poor country. Such studies take a long time, and meanwhile many people die." („Gift fürs Volk. In Paraguay wächst der Widerstand gegen die Sojamonokulturen“ Steffi Holz, 19.1.11 Seite 2)

"... There are aircraft noise heard, and when he looked at the sky, a propeller plane was approaching, spraying something in the air." Terrified screams the nun and ethnologist in the handset they should run away all at once and seek refuge in the houses. But a part of the inhabitants cannot bring itself in security any more. Several women and men are delivered with strong symptoms of intoxication to the hospital, without knowing what pesticide was sprayed from the air. There are nationwide horrified protests and demonstrations in Asunción. Raquel Peralta makes a complaint and obtained an official investigation to determine the chemical. But the Brazilians would not have to expect real sanctions, she says bitterly. They could also easily buy free of any penalties. "It's a real war," she describes the process of soy producers throughout whole Paraguay to expel the indigenous population by using chemistry targeted. The fact that they itself simply acquire indigenous land, clear forests and cultivate land illegally, is a sad reality." (Steffi Holz, Paraguay p. 231, 2009).

Herbicides: poison for humans and the environment....With the increasing cultivation of GM soya in South America, the use of herbicides has increased dramatically. The US company Monsanto GM sells soya seed only in conjunction with the herbicide Round-Up (active ingredient glyphosate). Due to the growing resistance of weeds to Roundup and its imitations, the use of herbicides increases.

Regularly the fields with the highly toxic agricultural chemicals by plane, backpack canister or tractors are sprayed. Residents tell of health problems such as vomiting and respiratory and skin diseases to rising cancer rates in children, miscarriages and birth defects" (*films for one world: Raising Resistance P. 4/5*).

"Over the years, he can see how this vicious cycle is further boosted, because as weeds and pests develop resistance, more and more poison is necessary. A worrying consequence he also sees every day in school: as a result of pesticides applied, where residents are regularly exposed

to, many students could not see well or hear. The number of deformities and mental retarded children has increased in the last 20 years." (Steffi Holz, *Paraguay*, p. 221, 2009)

"... **soy violates human rights**" ... We want to produce, without killing and eating without dying" ... Two representatives of the National Institute for Indigenous, INDI, describe the Situation of some communities of Aba`í in the south of Paraguay, which are surrounded by soy. Twelve people died a few months ago as the result of poisoning by sprays, but nothing was done for the protection of the municipalities, because they have no lobby. "Every day more and more compañeros in Paraguay die from the effects of poisoning with pesticides, without being noticed by the public."

An employee of the NGO Age Vida gives an overview of the most common agro-chemicals and their side effects. 65 of the in Paraguay registered products 65 were among the risk classes 1A and 1B, which are assigned to the red zone that means the most dangerous substances. It is estimated that in Paraguay every year more than 24 million liters of pesticides reach the soil. Particularly fatal were the effects of pesticides on the food chain through their long persistence in soil, air pollution and water contamination. The increase in allergies, skin rashes, digestive problems, respiratory, hormonal disorders, damage to the central nervous system, miscarriages, birth defects in fetuses and newborns and cancers associated with pesticide use are supported by international studies.

Most of the herbicides used in Paraguay have long been banned in Europe as carcinogenic, and many of them, such as DDT, are also to be seen on the Index in Paraguay. Paradoxically although the introduction of certain herbicides is prohibited, but not the trade with it; a situation that favors smuggling. "The real problem is not, that there are no laws, but that they are not being kept and that there are no controls ..." (Steffi Holz, *Paraguay* p. 243, 2009)

“The active ingredient glyphosate

Carrasco, director of the Laboratory of Molecular Embryology of the Medical University of Buenos Aires, has demonstrated, along with colleagues from Great Britain, Brazil, Argentina and the United States, that particularly the main active ingredient, glyphosate, in "Roundup" is highly problematic. Even at a concentration below the usual amounts for fumigation in agriculture, has shown deformities in animal embryos...

The study was initiated because the investigators were alarmed by the high rate of birth defects in agricultural areas, where GM soya is grown. "Those of us in the laboratory determined results fit exactly with the undesirable developments, that are seen in people who were exposed to glyphosate during pregnancy," said Carrasco" (*spray with an increase in birth defects implicated in" DNR v. 2:05:11*)

A recent French study at the University of Caen shows even now, that residues of glyphosate are detectable in most GM food and feed on the market today, can be harmful and even fatal in human cells - even at very low levels. "Despite a dilution 100.000fold the insert resulted in a complete death of cells in 24 hours, blocked the vesicular breathing and caused DNA damages." (14:01:09 *Global 2000*)

These facts also show, that the use of GM crops as GM soy involves violations of the Human Right to health - and should be stopped immediately by the government!

5.) Violations of the Rights of People concerning self-determination (Article 1)

Section 1: "All People have the right to self-determination"

Section 2: "All people may, for their own purposes, freely dispose of their natural wealth and resources - in no case may a people be deprived of their means of existence!"

Monoculture promotes desertification of soils and loss of fertility. The deforestation destroys the basis of life of the indigenous people, small farmers and rural people. The expulsions, with the result of the exodus of small farmers in the suburbs of large cities, do the rest to increase poverty and steal the resources of the nation.

In the last years, especially the growing areas of soybean threatened forest types in South America and promoted its destruction ... What is needed is a guarantee of access by indigenous and rural residents to own land, which provides them. (*Eat the food ... enjoy! GeN December 2004*)

"Those who use glyphosate as an herbicide change not only our environment, soil and water - they change our complete lives." The scientist makes clear: "This type of soy production changes everything. It changes the culture, social networks; it changes the whole life, everyday life. The soil is contaminated, the water is contaminated, and there are no butterflies, no birds. ... The animals in the local communities are being poisoned" ("*From frogs, chicken-eggs and man*" *GeN from October 2010*)

"... They denounce ... the unjust distribution of land, the exploitation of natural resources by foreign companies and the poisoning of the earth" to. (*Steffi Holz, Paraguay p. 233, 2009*).

"Already today, about half of the maize crop is produced with genetically modified seeds ... because the seed is easy to smuggle into the country. ... Soon Monsanto can legalize his seed and further expand in peace ... And Paraguayan smallholder fears, that with the legalization accelerates the contamination of their traditional seeds by genetically engineered and they get involuntarily in the dependence of the seed companies. GM-maize can be used in contrast to genetically modified soy or wheat not again as seeds." ([Http://www.taz.de/!99622/](http://www.taz.de/!99622/) "*attack on the indigenous culture*" 8/15/12)

Farmers fear gravely soil contamination

Although Paraguay is one of the small states of South America, the State is a lucrative market for Monsanto and other international seed companies. Alone in maize Paraguay ranks with a cultivated area of good 700,000 hectares and an annual production of over three million tons below the first ten producer countries worldwide. Though the soy bean with 25 percent of the export dominates in 2009, however, with maize still 233 million US dollars were moved. In both cases, genetically modified varieties are on the rise: According to the Agriculture Organization of RAP-AL about 80 percent of GM varieties in the case of three million hectares of soybean acreage covered. For maize, this rate would represent about 50 percent, says Tomás Zayas, the Chairman of the Agriculture Association of Paraguay Alto Paraná.

How many farmers in the South American country Zayas fears now a massive advance of GM seed giants in Paraguay. Monsanto will be able “to legalize and expand” his varieties changed in the genotype, citing the Paraguayan NGO Investigaciones Sociales Base (Base-IS) the association leader. Above all, the small and medium-sized producers fear a contamination of farmland and existing plantations. A mixing of the gene pool would be devastating, especially for corn farmers, because the changed seed produces only one time plants.

Farmers threaten in the face of a limited fertility of traditional seed by uncontrolled crossbred transgenic types of falling into a creeping dependence of the US seed producers. Just in 2003, studies had demonstrated in several states in Mexico such wild introgression of BT-corn varieties of the producer Novartis / Syngenta and Aventis / Bayer. As a result severe deformities of the transgenic wild types were observed. Many of these effects were detected in the economy area in the North American Free Trade Agreement (NAFTA) also from the Interstate Commission for Environmental Cooperation.

With reference to these findings, the organization Base-IS now also warns against Paraguay in the medium and long-term consequences. Due to the change in the cultivation could

"change the traditional indigenous and smallholder culture profoundly," it is said of this page. Activists fear above all, that indigenous seed varieties die out and get the small- and medium-sized producers in dependence on transnational corporations. Additional to these worries is the

fear of the massive use of herbicides, which walks along with the cultivation of the maize places resistant to poison. (*"Paraguay gene-coup" Harald Neuber 23.08.2012*)

"Since 14 years, Pedro Peralta observes side effects of extensive soy monocultures. They wear out the soil, accelerate their erosion and poison the waters; (especially after rain the rivers and streams are red for several days). "Fish is no more there for a long time." However, "the strongest subsistence economy of the families is most affected," he explains further, "because the plants on their fields dry up and they themselves become ill." (*"Gift for the people. In Paraguay grows the resistance to the soy monocultures" p. 1*)

"... Since 1993 they exert themselves for a comprehensive agrarian reform a through which the land is to be distributed more equitably. "This territorial self-determination is a prerequisite for a self-determined agriculture and food policies in Paraguay" (Steffi Holz, Paraguay p. 239, 2009)

6.) Violations to the Right to Freedom of Science & Research (Art. 15)

Avoidance of approval procedures by the biotech industry:

Monsanto let in 2012 take up cotton in the register of the state seminal authority Senave.

The farmers wanted to buy it - but the corresponding seed in the region did not exist for sale. "Only refined, but not certified seed would be imported from neighboring countries, Brazil and Argentina. Now threatens half of the planned sowing break away ... Now Paraguay's New President ... should cover by decree a "seed emergency" for cottonseed and so allow the purchase of previously non approved seed. ... So the usual minimum of two years running experimental- and study phase on possible effects to human health and the environment would be undermined elegantly." ([Http://www.taz.de/!99622/](http://www.taz.de/!99622/) "attack on the indigenous culture" 15.8.12).

We urge the Paraguayan Government to provide for an objective, group-independent, user-friendly and accurate assessment of the effects of seeds standing in a queue for the licensing!

7.) Measures to ensure the Rights of Farmers, Peasants and Consumers

The following steps are necessary to ensure these rights:

- Self-sufficiency of the population make sure before exports:

"What can consumers do in Europe? Bernd Bornhorst from Catholic Relief Misereor, that supports organic agriculture for small farmers and Indians in Paraguay, calls for a general reduction of meat consumption and a fundamental change in the EU agricultural and trade policies. "The GM soya imports should be completely stopped", the development expert is convinced "

(<http://derstandard.at/1338558425432/Agrobusiness-Paraguays-Kleinbauern-im-Soja-Wuergegriff>)

- End of the use of pesticides / stop sprays / maintenance of protective measures

such as adequate distances between fields and barriers (e.g. bushes.) to avoid the drift of the sprayed chemicals. Insert implement controls with heavy fines and jail terms.

- **Introduction of an agrarian reform** is required to expropriate large land holdings and to transfer the ground to the Campesinos legally. Nationalization of all major agricultural export companies.

- **Override of land titles**, so the farmers get access to credit, seeds and technical assistance.

- **Introduction of organic farming on a small scale**, the possibility of a variety of cultivated crops for self-sufficiency and the community ownership of land in order to protect the Campesinos of isolation, land speculation and sprays.

- **Access to appropriate medical care**

- **National programs for Food Security and sovereignty over the resources**, that promotes sustainable agriculture with the goal of ending hunger.

- **Implementation of government promises:**

- a) prohibition of GM soya cultivation on public land
- b) Taxation of soy exports

(Resistance to soybean cultivation / Paraguay: small farmers vs. soybean industry sentences 2 and 3).

- **Observance of at least 2-year experimental- and study-phase about possible effects**, before seed is new admitted. No exceptions for GM-Seed of Monsanto and Co.

In summary, it is absolutely clear that the Paraguayan government fails to meet its obligations by signing the International Covenant on Economic, Social and Cultural Rights.

The people of Paraguay is going through a great loss of cultural and food diversity, as a consequence of the "monoculture" imposed by what we call "the model of soybeans," by destroying the traditional foundations of food of our people, by deepening the banishment of thousands of families, rather than encouraging and deepening the cultures and the roots of communities, implementing and encouraging from the government policies to the planting of GM soy monocultures at the expense of production to meet local food needs.

As a consequence of this destructive system of life, biodiversity and culture, the Paraguayan people lose their food sovereignty every day. The health of our people, which is directly related to lifestyle and the pollutants to which they are exposed, day after day is degraded, since every time more and more forests are cut, the fields are planted with monoculture of high toxic inputs rather than the various forms of agriculture that used to coexist. All this can be defined as the depth of a model by the Paraguayan government that brings serious health damage, poverty, loss of diversity and culture, deforestation and pollution, increased hunger and rural exodus.

We ask the Committee on Economic, Social and Cultural Rights to express their concern at the violations of the rights to food, health and integrity and our self-determination, which are dramatically violated by the intensification of monoculture transgenic model for export and we ask to act urgently to achieve the cessation of these injuries to our most basic Human Rights.

UN-committee for human rights criticizes Paraguay for human-right-violations caused by the cultivation of soy for export

Lüst demands the german, austrian and paraguayan government to realize the concluding observations of the UN immediately

"Furthermore, forced displacement, dramatically increasing malnutrition and disease and even death by spraying pesticides, rising poverty and landlessness, and the destruction of the resources water and land by the soy culture is immediately to halt! The Paraguayan government - as well as Germany and Austria - are in the obligation to implement immediate measures to stop these human rights violations immediately " says Christiane Lüst who has personally presented her report on the terrible consequences of genetic soy culture in Paraguay in Geneva on 22 March. After two weeks of consultation and negotiation, the UN Committee for Economic, Social and Cultural Rights has now released its final recommendations to the Government of Paraguay. The Committee criticizes the government in particular "that a significant number of indigenous people does not own land, has no land titles, or even under the terms of a legal registration of land titles, can be victims of forced eviction. The Committee is also worried about that the State does not still recognize the right of indigenous peoples on their own determination of their wealth and natural resources legally and that no effective mechanism has been developed to reclaim old lands (Art.1). "

Paraguay is asked

- to take the necessary measures immediately, including legal recognition and legal protection in order to ensure the rights of indigenous peoples to freely dispose of their lands, territories and natural resources.
- to take all necessary measures to prevent that members of indigenous peoples are forcibly evicted from their land and territories and
- to take necessary measures to establish a legal mechanism which allow indigenous peoples to reclaim lands.

The Committee is concerned of the extreme rise of poverty, which affects the people living especially in rural areas and calls for the immediate implementation of an agrarian reform.

The committee is concerned about the negative impact of the escalating soybean culture, in particular the destruction of the environment, the uncritical use of pesticides, water pollution and destruction of the sovereignty of diet.

The committee urges the government to take the necessary measures to control the soybean culture, so it brings no disadvantages for economic, social and cultural rights. In particular, with respect to an attached living standard, to diet, and to clean water and health.

The committee urges the state to take legal action in order to effectively protect the environment in particular against the uncritical use of agricultural toxins and provide for appropriate penalties for officials and adequate compensation for victims.

The Committee noted that the malnutrition of the population is still remarkably high and calls on Paraguay to protect the right to adequate food and to strengthen its initiatives in rural areas.

The Committee urges the Government to accelerate its efforts to implement food and nutritional security.

The Committee recommends the State to watch on safe and accessible drinking water access especially in rural areas.

"The consequences of soybean cultivation in Paraguay, Argentina and Brazil for export to Europe violate ratified human rights massively. 2011 Germany was criticized not to respect respect human rights in its agricultural, trade and development aid policies sufficiently. 2013 the Austrian Government was asked to pay attention of their development aid, agriculture and trade policy, on the observance of human rights ratified by Austria even in the countries of the South and ensure full respect on economic, social and cultural rights also to group activities!"

This means that GM soy imports from countries such as Argentina, Paraguay and Brazil to Germany and Austria are to stop immediately. The indirectly related displacement and migration to the slums, rising poverty, the poisoning of the soil, the water and the people by GM crops and pesticides, which have risen by a multiple associated with GMO, must be terminated immediately.

Just in past the UN criticized governments to stop GMO, because it violates the human rights:

2008 - the indian government has been demanded to protect farmers for dependency on multinational corporations and to protect access to the old seeds.

2009 against Brazil they demanded to stop immediately the deforesting of the rainforests - in most cases for GM-soya - and the further destruction of livelihoods of indigenous people and little farmers, land concentration, slave-work, rural exodus and the increase of poverty.

2010 the committee demanded the **columbian government** to develop agricultural policies which prioritize the production of food and not for export and ensure the restitution of lands taken from indigenous and afro-colombian peoples, as well as peasant communities.

In **May 2011** they demanded the **german government** to take political measures regarding the protection of health in the context of food containing genetically modified organisms and they have complained, not to take sufficient account to human rights in their agricultural, trade and development aid policy.

2011 Argentina was reprimanded for the increased use of chemical pesticides and transgenic soy and its negative effects on the population and called for a stop of deforestation for more soy plantations and the protection of traditional farming practices of indigenous communities.

2013 the **Austrian Government** was asked to ensure full respect for economic, social and cultural rights ratified by Austria also to group activities!

Further information at www.stopptgenahrungsmittel.de. We we would like to send the full report and to email you on request.

Contact for inquiries:

Christiane Lüst, Aktion GEN-Klage, Tel.: 0049 / 89 893 11 054 Christiane.luest@t-online.de

Parallel report to the 4th state report of the Republic of Austria on the implementation of the International Pact on economic, social and cultural rights

Social Human Rights in Austria

Violation of Human Rights in Agriculture, the Right of Self-Determination

- **on Food**
- **on Health**
- **on Freedom of Sciences & Research**
- **of Bee-Keepers and Consumers**

The information given in this report focusses upon the consequences of a highly alarming global development which not only ignores worldwide scientific expertise and practical experiences of farmers and consumers in many countries but massively and even fatally violates their economic, social and cultural rights by implementing genetically modified organisms (GMO) in food production and agriculture.

During the last years a couple of countries (Austria 2005, Canada, India, Brazil, Colombia, Germany, Argentine) presented parallel-reports on these consequences and human rights violations before the committee. And the committee has already acknowledged these violations as unlawful in the most of this countries.

Europe is affected by an unruly development – more and more genetically modified food and crops are permitted, grown and imported. We want to honour the efforts of the Austrian government to protect his country from GM. Nevertheless there are many further possibilities also für the Austrian government to secure Austria as gm-free.

Furthermore we ask the committee to support and enforce for the first time the demands and concerns of the Austrian government to the EU-Parliament for the planned modification of the EU-seed-guideline. If this will become true – it results in a drastical treat for agriculture, our environment and natural ressources and the consumers – a treat of the diversity and a massive and new dependency from agro-industrie.

In Austria

- The animals are fed with GM-feed in large quantities - research shows massive and even life-threatening health problems due to this – the import from south amerika causes drastic violations of human rights in the producer countries

(Argentine, Brazil, Paraguay - rural exodus, drastic increasing poverty, damages of health ...)

- There is no duty for labeling products of animals that have been fed with gm-feed.
- Food with more and more genetically modified additives are allowed.
- Long term research – longer than 90 days – about the consequences of GM-Food that are more and more allowed for import – does not exist. The EU seems to guarantee to live longer than 90 days with gm-food. That is not much – so we are unasked guinea pigs for gm-food.
- We asked the committee to help the government of Austria with its critic to the EU-planned decision of seed-guideline to empower the rights of farmers using their own produced seed in order to be independent from agro-industry.

A concluding observation in this question would be very very helpfull to enforce the austrian government for an grave input to discussion in EU-Parlament giving a sign for the other countries to stop the guideline for protecting the livelihoods and independence of their farmers, preserving the diversity of seeds and the human right of food-sovereignty and sustainable production of food – protecting our ressources like soil and water. The discussed seed-guideline disagrees with the pact increasing massivly and only the dependence from some agrobusiness like Monsanto, the same global player ruling also the GM-market. In the concluding observations of India (2008) the UN-committee enforced exactly in this point the indian government to protect the farmers and the old seeds reducing the dependency from agro- industrie. Also the most of the other EU-countries have ratified the International Pact for fulfilling also further the economic, social and cultural human rights - what means to stop it.

We are urging the Austrian government:

- To prohibit the import of gm-soya for animal – feeding from south – america immediatly, reducing the human right violations in the producer-countries with this step.
- To promote the producing of feed in Austria securing the existence of the austrian farmers – not promoting the import of gm-soya. It couldn't be, that we use our gm-free products for bio-energy taking the imported gm-products for food-production.
- to introduce a clearly mark for all GMO-products and GMO-uses in food for humans - but also in feed stuff for animals and all products from animals
- to introduce a legal liability for agroindustries to be responsible for all consequences of GMO for soil and health and in special as the danger for irreversibly spreading of gm-plants about the hole country about the polls - leading to irreversibly destruction of the basis of life of farmers esp. biofarmers and bee-keepers
- protecting the old and regional adapted seed of the local farmers – which take their seed every year again from their harvest and have no costs for buying it – including also the own reproduction and the independence from agro-business – and hindering the new EU-seed-guideline with all possibilities the government has.
- Promoting the diversity of useful plants and animals, not monocultures
- to prohibit patenting of plants and animals securing also in future the independence of farmers, consuments and food-sovereignty from agroindustries.

We are requesting the committee on economic, social and cultural rights to present its concerns to and also with the Government of Austria and to formulate recommendations to the Government on how to end these violations.

That would be especially a great help for Austria and his interventions against the planed EU-Seed-guideline - setting a sign also for the other states – in the trial to prevent the worst.

September 2013

Dipl. Ing. Volker Helldorff

Doctors, farmer and lawyer for gm-free food

Unterlinden 9 A-9111 Haimburg M: 0043 (0) 676- 729 30 82 F: 0043(0)4232 / 7114 –
14 E: volker@helldorff.biz

Christiane Lüst

court action gmos / Aktion GEN-Klage Berengariastr. 5, 82131 Gauting, Germany

List of content:

1) Introduction	191
2) Situation in Austria – reasons for the human-right-violations.....	196
3) Violation of peoples right for self-determination (Art. 1).....	198
4) Violation of the Right on Food (Art. 11)	202
5) Violation of the Right on Health of Body and Soul (Art. 12).....	205
6) Violations of the right for freedom in sciences and research (Art. 15)	208
7) Steps in order to ensure the Rights of farmers and consumers	210

Introduction

The following publications are giving a good first overview about the actual situation in Austria:

„It is right that the milk economy has completely changed to not genetically engineered. However, this was slightly possible in Austria on account of the mountainous scenery with a lot of grass. I held talks in the whole country since 2004. The fowl branch slowly follows. However, by no means everybody is already moved. For the time these groups have this additional offer only in some markets. Where it is absent, however, still very far, is the mast's area. Above all in the pork mast one prevents not genetically engineered feed with all forcesThe farm alliance in Austria prevents the feed-intensive companies (mast) turning to gm-free together with Raiffeisen. ...

Recently in Austria and Bavaria one had a soy scandal with genetically-manipulated products. Genetically manipulated soya was signed as local and not genetically engineered in reality. Because these comrades had imported the Soya, nothing came to the public. All notes of delivery in Bavaria carried the test-sign QS, but nobody noticed this serious mistake (Cheaper purchase and own control?!?).“ *Josef Feilmeier, 23.06.13 international working group of feeds NON-GVO, VLOG, association food without genetic engineering*

We are fed up with it!

The agro industry in Europe causes dioxin scandals, genetic engineering in food and animal **grief in mega stables. She aggravates hunger crises, the climate change and the farm death. Back cleared regions and monocultures remain. We are fed up with this! We, this is a wide platform of environment, EZA-and rural organisations, as well as social movements.**

Also the Austrian Federal Government promotes with our all tax money an agrarian-industrial development which is not sustainable and with which the farmers remain on the distance. The farm death goes on unbroken, the farms are sent in a ruinous predatory competition. The agrarian industry and Raiffeisen were roofed up to now with millions of euros in subsidies what has dramatically accelerated the market concentration – the tallness must become even bigger, the little ones must surrender. However, the chance to change this politics was never better. Now the determining points are put for the agricultural policy till 2020.

A new agrarian- and food-culture means:

-  Yes to a sustainable, rural agriculture!
-  Yes to a climate-protecting agriculture!

- 👍 Yes to the bio-agriculture as an example for the Austrian agrarian model
- 👍 Yes to feeds and food free of gmo!
- 👍 Yes to the human right on food and food sovereignty!
- 👍 Yes to a food culture preserving her dignity to people, animals and environment.

Our demands:

- Agrarian money binds to social, ecological and protection of animals criteria
- Promote home feed instead of imported genetic engineering soy
- Renunciation of energy-intensive artificial fertilizers and humus-destroying methods
- Reduce pesticide application, protect biodiversity
- Removal of the organic farming
- Nature protect instead of ground seal
- Respect for animals instead of industrialized meat production
- Sustainable food production instead of agrofuels
- Stop deceiving advertisement
- Fair rules instead of liberalised agricultural commodities markets, speculations and export subsidies
- Support of the variety at useful plant places and useful animal races, instead of monocultures
- Forbid Patents for plants and animals
- Prevent exploitation of (migrant) workers in the agriculture

12. Sept. 12, Greenpeace of Austria, Attac, FIAN, GLOBAL 2000, the green farmers and farmers, milk IG, ÖBV / via Campesina and the UBV (independent farm association of Austria)

Planed EU-seed-guideline violates drastic the human rights of farmers, bee-keepers and consuments:

Reproducing seed threats to disappear from market

Bill of EU-commission under massif public critic

Bonn, 6. may. - In Brussels, the EU Commission has today presented with the reform of animal and plant health regulations one of the most important law of the last decade to the Parliament. For not beeing 2014 EU election campaign issue, the industry-friendly reform shortly before the end of the parliamentary term shall be waved through. Reform of the controversial seed law, which has contributed to a dangerously high market power of agricultural companies in the seed and the loss of genetic diversity with strict market approval rules for decades is included in the package. Ten companies control three-quarters of the world market; the vegetable production in Europe is already more than half full of varieties of chemical companies Monsanto and Syngenta. Only about 7.000 growers firms provide the very different agriculture in and outside the EU with Genetics for all food, feed, forest trees, agrofuels, and their number decreases.

The EU commission praises the seeds right as a success which it would be a matter to increase. Indeed, the dependence on agrarian chemical concerns might further rise, because the portion seeds of the kinds which can reproduce farmers or gardeners themselves is only vanishing low in the professional cultivation and amateur cultivation. A bureaucratic licensing duty also for rare variety kinds hinders, in addition, her spreading, so that they can hardly buy amateur gardener by now. The fact that licensing is limited to historically occupied kinds and her often unknown origin regions - for consumers absolutely useless – variety-experts hold for especially shortsighted. "Future generations will be the losers", according to Susanne Gura of the association for the preservation of the useful plant variety.

The exceptions recommended voluble now turn out in detail other bureaucratic hurdles. The commission has introduced a niche regulation at the last minute, which has cancelled the licensing duty for small companies. However, they must provide from every kind of plant exact reports on produced and sold amounts. Besides, still open single regulations must be brought in experience for every botanical species, which reserves itself the commission with more than two dozen regulations for the future. Even if the niche regulation shows an improvement compared with present regulations, is valid: For rare kinds every administrative expenses affect practically like a ban.

Intellectual property rights are further strengthened: Now protected kinds should automatically receive the market qualification. The market access is considerably made easier to patented plants as a "heterogeneous reproductive material". With kinds especially cultivated for the ecological agriculture her biggest strength, the genetic width becomes furthermore the K.O. - Criterion made. Bio-farmers and her customers must fall back furthermore on the hybrid kinds of the industry and must give up many good natural qualities of the plants.

Even a new principle friendly to industry comes: Farmers and gardeners may sell no more seeds if they grow food. Only this regulation might rob most small companies with rare variety of the existence basis, and she could forbid this to all professional farmers what they do since human memory: Seeds from the harvest win and with others exchange.

There the suspicion is obvious that the Brussels seeds lobby, stated by Bavarian, BASF, Monsanto and Syngenta, unpleasant competition just not want to let arise. The responsible EU commissioner Borg calls the draught still as adequate interest balance. Massive protests from whole Europe have done him as well as the german Minister of Agriculture Aigner during the last days in the defence. **The people do not want to be dependent on the seeds of the industry!**

The fact that of these days in garden-centers coloured tomato plants are sold, deals with variety only apparently. This are hybrid kinds, under it also such of Monsanto, recently hidden behind well-known brands by business enterprises. Also the marking as a hybrid kind will be abolished if it goes after EU commission and the Federal Government of Germany. Now gardeners, farmers, consumers and citizens demand basic changes of the argumentative seeds right from EU parliament and council of ministers.

link to the petition: <https://www.openpetition.de/petition/online/saatgutvielfalt-in-gefahr-gegen-eine-eu-saatgutverordnung-zum-nutzen-der-saatgut-industrie>

contact: Susanne Gura, T: 0228-9480670 oder 0177-6691400 Umbrella organisation cultivated plants and useful animal variety inc., association for the preservation of the useful plant variety inc.

Austrian parliament gives agrarian minister critical position for the EU council of ministers

In the Austrian parliament the committee on EU affairs has dismissed a resolution which obliges the agrarian minister on the following positions in the EU council of ministers to the bill of the commission for a new right of sowing and plants:

- The EU draught has to check critically on his effects on the small and medium-sized companies, agricultural operations as well as on the consumers. For the small and middle-class seeds and plant breeding enterprises it may come to no higher cost load and to no higher bureaucratic expenditure.
- Comparable exceptions to the existing Austrian seeds right must be preserved.
- There should be no obliging licensing for all seminal-firm plants which are not protected by intellectual property rights.
- The consumer's protection may not be made soft.
- Preservation of the farmer's privilege: This means that the kind protection does not enclose the cultivation of harvest property of a protected kind by small farmers if the breeding material comes from own cultivation of the farmer.
- The range of application of the order must limit itself to the commercial use and above certain amounts.
- To admitted kinds transparency about the used methods of cultivation and the given intellectual property rights must be guaranteed.

look: http://www.parlament.gv.at/PAKT/PR/JAHR_2013/PK0632/index.shtml

This is an important step for the agricultural variety in Europe. Congratulation to the Austrian parliament and to Noah's ark!

In autumn the EU council of ministers will deal with the bill for a new right of sowing and plants." *Susanne Gura, VEN – association for the preservation of old useful plants inc.*

Situation in Austria – reasons for the human- right-violations

Austria has more than 8 million of inhabitants, living in 9 federal historical regions.

agriculture:

Vienna - The number of the Austrian farmers further decreases, for the rest bigger and bigger companies remain. If there were 239.100 farms 15 years ago, these were in the year before only 175.700. At the same time the size of company of from 31.8 to 41.4 hectare increased, it arises from the agricultural structure elevation of the statistics Austria.

Since the EU entry twelve years ago nine milk farmers have given up in Austria daily her milking stuff for ever. With it the number of these farmers has more than halved to themselves of that time 80.000 only on 38.000.

GVO cultivation and licensings:

„In Austria GVO have not been grown yet for commercial purposes, just as little there has been no test cultivation for scientific purposes beyond closed areas (e.g., greenhouses). For the GV plants, which have a cultivation licensing in the EU, cultivation bans exist in Austria.

Indeed, the use of a row of imported GV products, for example genetically modified soy beans, is permitted. Such GVO or from them made products are used predominantly as a feed for useful animals. From GVO generated food is only in extremely low extent in trade (special products as for example some imported Asia food). These products are defeated by the marking regulations and must be marked for consumers recognizably.

An overview of GVO admitted in Austria is found in the Austrian genetic engineering register:” **mehr**” <http://www.umweltbundesamt.at/umweltschutz/gentechnik/zulassungen/>

Food for our animals:

“Austria is importing about 500.000 tons GM-soya (78 %) every year.

In 2010 were exiled under pressure from GLOBAL 2000 gm- milk and gm- eggs successfully from supermarkets of Austria. Still: 80 percent of the imported Sojas are genetically modified and land in the troughs of the Austrian pigs, chickens and cattle.

Genetic soy contaminates South America. South America produces 52 percent of the worldwide soy bean harvest. In Argentina and Brazil big surfaces of rain forest are cleared to increase the areas under cultivation for soy. However, the cultivation of genetic soy also has disastrous results for the population of these countries. The Argentine scientist Andre Carrasco proved in studies that by the cultivation of genetic soy in Argentina the rates of deformities have dramatically risen with newborn children, miscarriages and cancer illnesses with toddlers. Reason for this is the pesticide

"Roundup" of the US-genetic giant Monsanto. Because the weeds become resistant against it, the pesticide must be used in constantly rising amounts.

Also the Austrian agriculture is involved in this South American tragedy. Austria imports yearly 500,000 tons of genetic soy which is used in the cattle production, chickens production and pork production. Last year we have reached that in the production of milk only more gm-free feeds are used. Nevertheless, our aim is that generally no more genetic soy is imported." Astrid Broadly, Tu, 12/21/2010 <https://www.global2000.at/news/zuerst-das-ei-und-dann-die-henne>

Huber: "Austrians want no genetic soy imports" 3/2/2011

"A petition for an import ban of genetically modified feeds of Tyrol BZÖ has ended in the committee " in a drawer". With it a big chance was wasted", today explained agrarian speaker BZÖ Gerhard Huber at a press conference... For the agrarian speaker of BZÖ it is absolutely incomprehensible that petitions and applications for a general import ban of genetic soy are pushed of Red and Black only on the long bench ." <http://www.topagrar.at/sonstiges/Huber-Oesterreicher-wollen-keine-Gensoja-Importe-696927.html>

„Currently become in Austria on an average 700,000 tonnes (!) genetic soy per year sells." 5.7.2012 <http://www.meinbezirk.at/neunkirchen/wirtschaft/gen-soja-in-oesterreich-d216713.html>

Consequences also for the beekeepers:

Programm to the rescue of the bee

A ban only of the Neonicotinoide will not be enough to protect the bee, one of the most important agricultural useful animals in Austria, on a continuing basis successfully. The environmental umbrella organisation and the beekeeping umbrella organisation «bee of Austria» have compiled on the occasion of the actual discussions a 10 point programm with essential corner points to the rescue and for the long-term protection of the living space for the bees.

Living space protect - raise variety

Vienna, 14.05.13 (UWD) «bees belong to the most important agricultural useful animals in Austria. They make an essential contribution to the biological variety and to the added value in the agricultural production. About 25.000 beekeepers protect the pollination of the wild - and agricultural useful plants with approx. 376.500 colonies of bees. The respected annual honey production lies in Austria between 5000 and 7000 tonnes, the economical value of the pollination can be numbered with yearly 500 million euros. For protecting the bees successfully a ban only of the Neonicotinoide is not enough. For the long-term protection of her living space it needs an extensive package of measures. The environmental umbrella organisation has laced together with the beekeeping umbrella organisation «bee of Austria» a 10 point programm with essential corner points», says Gerhard Heilingbrunner, honorary president of the environmental umbrella organisation. «One of the most central problems is the strong mono-cultural and in some regions of Austria more intensely growing agriculture.»

<http://www.biene-oesterreich.at/?id=2500%2C1132086%2C%2C>

This tendency result in an increasing danger for human rights in case of food, health, freedom of sciences and research globally, leading also in Austria just to destruction of existences for farmers, bee-keepers or critical scientists.

We sincerely hope, that the committee for economic, social and cultural rights is helping to support peoples rights, which are written down in International Pact.

We ask the committee for economic, social and cultural rights furthermore to honor in his concluding observations the efforts of the austrian governemt and to support their efforts in case of the EU-Seed-guideline on EU-Parliament with an statement, that the farmers have also in future the possibility to take their old reproductable seed, that they could use any year again from their own harvest without costs, with the aim to eliminate dependency from multinational agro-industrie.

The EU-Seed-guideline aggravates the situation of the farmers resulting in dependency from the seed of some big agro-industries and the following price-escalation of seed, fertilizer and pesticides massiv also in Europe, resulting in a further increasing of farm-deaths and damaging of livelihoods of farmers. A further result is the increase of dependency of the consuments from the food-giants, the same global player sharing the market under themselves.

In almost the same matter affected are the bee-keeper, because a decrease of agriculture causes a decrease of bees and with it the pollination and the rural food-production for example in orchards. Also this problem increases just in Austria already dramatically.

Violation of peoples right for self-determination (Art. 1)

§ 1: „All People have the right of self-determination“

Violation of the right of people in Austria

- **Case contamination of seeds**

GMO-seeds are not allowed to be on the market in europe including import. Nevertheless no legal regulations about contamination of seeds are existing. The global trade with GMO-seed, however, results in contaminations in Europe as well as in Austria just now.

EU-commission plans to allow an amount of 0,3 up to 0,5% of contamination, defining “GMO-free” seeds! “It is clear, that the consequences of such regulation will be disastrous. The cultivation in the next year could be fully contaminated by GMO, whereby the farmers would have no information about! The demand, thus, is clear: GMO-free seeds must be also really without GMO – almost to the limit of detection (this moment 0,1 %).” (“Between forced action from EU and recruitment of government officials” Klaus Faissner in “Gefahr Gentechnik”, p. 61) In this sense Austria has formulated his regulation for GMO-seeds. However, on the long run, there is no chance to maintain this level esp. against Eu-guidelines. Also GMO-seeds from neighbouring countries will enter by flying pols

through wind and insects. In such a way, the right for self-determination in Austria is not given anymore!

- **Case illegal imports:**

Caused by missing import controls increasingly GMO-products, which are not marked - and thus not allowed - are imported. This fact was noticed only after their use by consumers! The GMO-law means e.g. that controls are allowed only in case of indications, that these products are considered to be introduced on the market (§ 101 GMO-law) – but this don't must be done in reality!

In such a way, the right of selfdetermination of people is drastically endangered. This is shown by the quite small efforts done in order to "tame" GM-Industries with the aid of legal instruments. Austria has to assure, that control of import is executed by civil service sufficiently strong at the same time as it should help to enhance the efforts within EU. The final aim is clear: GMO-free agriculture and food, as long as GMO in food and agriculture are not matured i.e. the eco-social consequences for man and nature are not clarified by independent research!

- **Revolt in genetical field**

Felix Prinz zu Löwenstein from the „union of ecological agriculture“ (Bölgw):

„Who is working with GMOs is a economic threat for the whole food-sector“ he says. “By filling into another container, at the transport or in factory - always it takes risk to mix clean products with genetically modified. “

Actually in Germany GM-plants are cultivated only for research, there is no commercial cultivation; but we're importing masses of GM-products. Above all, GM-soya as feed for animals is very popular. (23.06.2010, Südd. Ztg. S. 19)

The example Greece shows – it's possible! The greek government has seen the risks and consequences – and took action: In Greece there is not allowed any cultivation or import of any GMO-products by law. There is even a prohibition of any transport, what means there is also not allowed any transit of genetic modified load through Greece.

**§ 2: „All people can freely dispose on their natural richnesses-
in no case peoples basis of existence may be robbed!“**

The farmer developed sorts about thousands of years old traditions and about many generations practised methods of cultivation, which are adapted exactly to regional conditions.

Study: Green genetic engineering damages environment and farmers
2013

1. febr.

The green genetic engineering has apparently disastrous results for environment and agriculture. To this result the munich genetic engineering expert Christoph Then comes in a study. In it Then indicates that several weed kinds and mushrooms would have

adapted themselves to the new Gentech plants, so that, in the meantime, partially more pesticides would be used than in the conventional agriculture. Also more and more poisons would have to be combined in the plants which produced an insect poison thanks to genetic engineering because pests would have adapted themselves.

Then has examined in his study above all the development in the USA, where the green genetic engineering is differently strongly spread than in Europe. There an "armament takes place for many years on the field" which does the agriculture "on and on in an extreme industrialisation with rising load for person and environment", one says in the investigation further. Also the farmers got increasingly in a dependence: Because Gentech seeds would be patented, they could not often use simply parts of her harvest for the resowing, but would have to buy to themselves every year once more expensive seeds. The Green politician and europarlamentarian Martin Häusling demanded a turning away from the green genetic engineering. "We must work with the nature, not against them", he said the newspaper. <http://www.sueddeutsche.de/wissen/studie-zu-gengemuese-gruene-gentechnik-schadet-umwelt-und-landwirten-1.1588708>

"It is grotesque to identify agro industries, which apply GMOs with all the mentioned problems as being able "to solve the problem of hunger", when they are creating hunger, destroying soils, polluting ecosystems and monopolizing land and power." („GM plants do not fulfill expectations“, Andreas Bauer, *Umweltnachrichten* 100 / 2004, p. 24)

Developing countries have found out that "GMOs are destroying biodiversity that has been developed during the last thousands of years. Therefore GMOs also destroy the ability of the people to feed themselves. Development policy organizations like "Christian Aid" or "Brot für die Welt" consider GMOs and the so called "green GM technology" as being contra-productive and responsible for increasing hunger and poverty. ...

In Argentina, are used in soybean cultivation nearly one hundred percent genetically modified varieties. The country is the third largest supplier of soy products worldwide, behind Brazil and the United States. At the same time, an increasing number of hungry people have been reported in recent years.

Already in 2004 the soybeans crop growing took over 48% of the total arable land. Hundreds of thousand people have been expelled from their land. Poverty and malnutrition rose rapidly. Undernourishment - previously unknown in Argentina - increased with the introduction of genetic engineering to 17%. In 1970 the proportion of people living below the poverty line used to be at 5%. In 2004 it already was up to 51%. The spraying of agrochemicals on soybean plantations from the air destroyed the crops of peasant, their chicken died and other animals suffered damages and there were birth defects. People suffered from severe nausea, diarrhea, vomiting and skin lesions because of the sprayed herbicides. Vegetables turned up malformed and lakes suddenly were full of dead fish (*Agrar Info* 160 September / October 2008 p. 3).

The GM agro-biotechnology accelerates the extinction of small farmers around the world. Deforestation, an increasing use of pesticides, destruction of livelihoods of indigenous peoples, small farmers and peasants, land concentration, slave labour, the rural exodus and increasing poverty in the countryside are the effects already abundantly demonstrated of the consequences of an agro-industrial model of transgenic monoculture.

„The arable land of the local small farmers is converted into industrial ... plantations for the export; these monocultures endanger the food security of the people living there. The

plantations dirty precious water resources, damage the grounds and lyes this from. Human rights violations are nothing unusual: They reach from the loss of the life bases and the expulsion about repression up to torture and even death. The whole population suffers from the plantations, nevertheless, the women are strongest concerned.

In spite of unequivocal proofs about the serious social and ecological effects of these monocultures in countries like Brazil, Indonesia, Cambodia, Colombia, Malaysia, Spain, South Africa and the USA these are promoted by a wide coalition of actors. This exists of FAO (FAO) and bilateral institutions, the "forum for the woods" of the United Nations, from national governments as well as consulting firm, private banks and developing banks.

The real motive of these actors is easy: They want to appropriate the land to produce around there gainful at the expenses of the population, which is mostly edged out, large amounts of cheap raw materials." 21.Sept. 2009
http://www.proregenwald.de/news/2009/09/08/gegen_Baum-Monokulturen

The argentine NGO GRR and the founder of the international network Aktion GEN-Klage, Christiane Lüst, gave 2011 together an parallelreport to the UN-committee for economic, social and cultural rights - on the consequences of a highly perturbing global development, the use of genetically modified GM-soy in **Argentina**. This seriously violates the economic, social and cultural rights of the Argentinean Population, Farmers and Bee-Keepers. Argentina in particular is one of the most affected countries worldwide by this development.

Via Campesina Brazil and the founder of the international network Aktion GEN-Klage, Christiane Lüst, wrote together an parallelreport to the UN-committee to **Brazil** in may 2009 demanding to stop immediately the deforesting of the rainforests - in most cases for GM-soya - and the further destruction of livelihoods of indigenious people and little farmers, land concentration, slave-work, rural exodus and the increase of poverty.

Christiane Lüst from the court action gmos reported 2010 together with the columbian NGO Grupo Semilla on the consequences of the use of gm – maize in Colombia.. The committee demanded the **columbian government** to stop and reduce poverty – especially hunger and malnutrition. The government has to develop agricultural policies which prioritize the production of food and not for export; implement programs that protect national food production with incentives for small producers; and ensure the restitution of lands taken from indigenious and afro-colombian peoples, as well as peasant communities.

Indish long-term-test: "Monsanto's Genetically Engineered Bt-cotton is not just killing farmers, it is also killing the soil"

Vandana Shiva, winner of the alternative nobel prize, was one of the first looking at the long term impacts of GM-seeds on soil organisms. She compared the soil of fields, where Bt-cotton had been planted for 3 years, with adjoining fields with no GMO cotton or other crops and published in february 2009 about the result: "In a decade of ten years planting GM cotton or any GM crop with Bt-genes in, it's leading to total destruction of soil organisms, leaving dead soil, unable to produce food anymore. This also shows that the claims of the Biotechnology industry about the safety of GM crops are false." (Press-release Navdanya v. 23. Febr. 09)

Conventional and biological seed has to be and to remain gmo-free also in future!

Seed is the base of many food and essential for the stability of our food-system. About centuries a multitude of sorts regional adapted has guaranteed the human food-variety and security.

In summary: in order to ensure food security in the world we must improve the ecological and social conditions. Any short-term increase of yields using purely technical means at the expense of environment and humans is the wrong way. A destroyed ecosystem will not feed future generations. A sustainable ensuring of food supply needs an agriculture maintaining nature in its carrying capacity: fertile soil, clean water and air and a great variety of plants and animals.”

(<http://www.greenpeace.de/themen/gentechnik/> www.greenpeace.de/themen/gentechnik/ „GMO – no hope for the hungry“ from October 1st, 2004).

In order to improve methods of productions, distribution of food, a better use of natural resources and not causing human right violations and the increase of poverty in the third world, ensuring the use of the natural resources for longtime we demand the austrian government to forbid the use and import of any GMOs in agriculture and food.

§ 3: „The states of the pact ... have ... to support the realisation of the right of self-determination and to respect this right.“

Acc. to a study ordered by Greenpeace concerning the legal implementation of “GMO-free Regions” in Austria, there exists a number of competences of regions, even a general prohibition for the cultivation of GMO, not being unreal in respect to the EU-guideline in the release. There is a elbowroom for action, not yet used by regional government. Thus, the federal government of Austria is asked, to exhaust all possible chances. What we need now “is courage and political will in order to install GMO-free regions! The preconditions are especially good in Austria: ... the GMO-free Region Austria could be the shining example for Europe in order to protect human beings, nature and esp. agriculture from the risks of GMO.” („Rechtliche Umsetzung Gentechnik-freier Zonen in den Bundesländern Österreichs“, Greenpeace August 2002).

Violation of the Right on Food (Art. 11)

§ 1: „The states of the pact agree with the Right ... on ... a continuing progress in living conditions ... and are willing to act accordingly, in order to realize these Rights“

interpretation right on food - guidelines

In the Declaration of Rome to World Food Security 1996, Heads of States and Governments “reaffirmed the right of everyone to have access to safe and nutritious food,

consistent with the right to adequate food and the fundamental right of everyone to be free from hunger.” (<ftp://ftp.fao.org/docrep/fao/meeting/009/y9825e/y9825e00.pdf>)

The **guidelines of FAO** from November 2004 are written down for the support of a step-by-step realization of the right to appropriate food under the boundaries of national security for food:

- the right of everyone to have **access to safe and nutritious food**, (Preamble point 2)
- The right to adequate food is realized **when every man, woman and child at all times has physical and economic access to adequate food safe for health** (Point 15).
- To guarantee the availability of food in a quantity and quality **sufficient to satisfy the dietary needs of individuals, free from adverse unhealthy substances**
- „protect the right of all people on food, which could be endangered by enterprises and individuals having the intention of prohibition of the access” (point 17)
- States should reduce risk of food-borne disease using risk analysis and supervisory mechanisms **to ensure food safety in the entire food chain including animal feed**
- States should take action to **prevent contamination** from industrial and other pollutants in the production, processing, storage, transport, distribution, handling and sale of food.
- States should ensure that education on safe practices is available for food business operators so that their activities **neither lead to harmful residues in food nor cause harm to the environment**

The *General Comment no. 12 for the right on food*, point 10: “States should take measures **ensuring that changes in availability and access to food supply do not negatively affect dietary composition and intake.**”

This right is not more guaranteed also in Austria.

“GM-maize in the food chain

Scientists have proved, that the genotype of GM-maize remains longer than expected until now stable in the ground accumulating in the food chain.” (*Schrot und Korn 02 / 2010 S. 8*)

The conditions for life – for farmers as well for consumers – will decrease after implementing GMO in food-production and agriculture - led in India and Argentina to hunger damaged existences and collective suicides, because farmers ending in dipendence and a spiral of debts don´t stopping anymore and reducing their yields. “The higher costs of GM-plants, the increased amount of pesticides / herbicides needed, decrease in yield, the costs for seeds and reduced markets result in a drastic decrease of income of farmers.

The first economic analysis of the situation of farmers using bt-corn in USA makes evident, that the net-loss between 1996 and 2001 was 92 millions or 1,3 US \$ pro hectare!” Farmers reporting about “smaller yields, increasing dependency on pesticides/herbicides, lost access to markets, and reduced profitability, so that farmers

are easily becoming more dependent on agro-business" („Plädoyer for a gmo-free world“, ISP-study, 15.06.2003, p. 6). This report has been written by international experts summarizing the main dangers of GMO and representing “strong arguments for a worldwide prohibition of a release of GMO in the nature for making free a new way in direction of agro-ecology, sustainable agriculture and organic cultivation.” The ISP-study shows clearly that GMO is not sustainable in future and indicates also clearly, that only using the diversity of local resources is resulting in a sustainable development! It is essential “to give local farmers freedom to decide, what they want to grow and how they are going to improve their plants and, thus, their living quality” (ISP-study „Plädoyer für eine gentechnikfreie Welt“, 15.06.2003, p. 17)

News service genetic engineering

<http://www.keine-gentechnik.de/news-gentechnik/news/de/23560.html>

04.04.2011

„Report shows true costs of the genetic engineering

A report [1] of Friends of the Earth Europe (FoE) shows the hidden ones costs of the cultivation genetically-modified organisms. Thus manufacturers have to undertake huge issues for keeping pure conventional and bio-products. **The results are rising food prices.** According to EU data the costs for the production of feed and food free of genetic engineering can rise **about 13%** . The true issues for goods separation, Supervision and samplings are by far higher according to FoE, exceeding the forecast profits of the genetic engineering by far.

On the occasion of the discussion about the possibility of national cultivation bans in the EU FoE demands to consider also the social and economic effects of the GVO cultivation at the licensing of genetic engineering plants. Biotech companies would have to pay for damages caused by pollutions with genetically changed plants.“

Thus, as a conclusion and for guaranteeing an improvement of livelihood, Austria would be asked to ensure that no GMO will be used in food-production and agriculture.

Like the example Switzerland, Greece and regional initiatives are showing is a gmo-free production possible.

5.) Violation of the Right on Health of Body and Soul (Art. 12)

§ 1: „The states of the pact accept the right of all people to maximize the health of body and soul“

„Genetic engineering in food - health results unclearly

Disconcerting fact: There are no long time studies about the effects of genetically modified food on the health of person and animal. While pesticides are tested during at least two years, before they are admitted at the European market, is valid for Genetically modified plants which themselves produce a pesticide, a maximum test time of 90 days. The absence of long time studies resembles a free field test on the population. At animals health interferences were already ascertained in feeding attempts.“ 25 January 2011, Greenpeace Austria,
<http://www.greenpeace.org/austria/de/themen/landwirtschaft/probleme/Gentechnik-in-Lebensmitteln/>

„Danger for people caused by dangerous GM-food-import

Genetical modified food used in animal-mast could humans make ill” commented the green agricultural speaker Wolfgang Pirklhuber in an actual study. Therefore residues of the weed killer “Roundup” in animal-feed cause cancer and reduce fertility.

(http://www.andrioli.com.br/de/index.php?option=com_content&view=section&layout=blog&id=6&Itemid=41&limitstart=30 Sonntag, den 25. Januar 2009)

Acc. to EU-right the EFSA (European Commission for Safety of Food) is responsible for this topic and has to control the admission of GMO-plants. Their decision is forming the basis for final decisions of the Council of EU-Ministers in case of GMO-food and -seeds. Acc. to Greenpeace the EFSA is approving plants, “containing dramatic danger and also technical weak points. Obviously the priority in this decisions is given to economic interests and not to the protection of consumers and nature. In case EFSA would control carefully all applications, nearly all of them must have been refused”. Indications for risks have not been followed and admissions were accepted although there was a lack of data. *“Greenpeace publishes new study to security-risks“, www.greenpeace.de, 23.04.04).*

There is a lack of long term consequences for health and the security of food (testing was only 28 days, although it is known that damage is becoming evident after 90 days resp. 3 years – until leading to death (look next part). All existent scientific results on identified dangers normally became ignored.

A new French study of the university Caen shows now, that residues of Glyphosat, which can be found at the most GM-food and GM-animal-feed being on the market, are harmful for human cells and can even be mortal – also in very low quantities. “Despite a 100.000fold dilution the insert resulted in a complete death of cells in 24 hours blocking the vesicular breathing and causing DNA-damages.” (*Global 2000, 14.01.09*)

Syntetical GM-sequences passing on through mother´s milk

An Italian feeding-study proves changes at goat-kids caused by GM-feeding of the mother-animal. Using GM-feed results in the found of syntetical GM-sequences in goats and goats-babies. This is a alarming result of an actual feeding-study of the university Neapel. And this only feeding the goats-babies by mother milk. “Now it´s scientific proved, that parts of GM-food getting to organs causing changes there.” (*Global 2000, Wien, 28. Mai 2010*)

Study: Genetical modified soya damages humans and nature

The cultivation of genetic modified, glyphosat tolerating soya threatens the health of humans and animals, raises the use of herbicides and has negative consequences to the rural population. Glyphosat is the active substance of the worldwide most sold spray against weed. The use can lead to poisoning embryos and failures at birth. This proves a study of the Argentine professor Andrés Carrasco, presented by the 6. conference of gmo-free regions last September. Round 75 percent of all genetic modified plants are resistant against Glyphosat. Therefore the massive cultivation of GM-soya in North- and Southamerica has serious toxic effects to health and environment. (<http://www.gls.de/die-gls-bank/aktuelles.html> 19. October 10)

Global 2000: GM-soya in baby-food

In an analyse - ordered by Global 2000 - of ten soya-products they have found genetical changed ingredients at six products. According to the environmental organisation there is also baby-food affected.

Jens Karg, the genetic speaker of Global 2000, is outraged: “The shocking of this fact is, that in baby-food they have been found the highest contamination!”

“Global 2000 speaks about „human experiment“

“It´s concerning products for babies already just born with an allergy and now being exposed a further risk of health – caused by this products. The babies became a plaything of an human experiment profiting from only some big concerns” says Jens Karg, genetic speaker of Global 2000.

Right on gmo-free food

Global 2000 demanded the minister of health, Andrea Kdolsky, and the minister of environment, Josef Pröll (both ÖVP) to take care of “that the right of gmo-free food is guaranteed now and also in future.” Genetical modified food isn´t natural food adapted by the people in the course of evolution. (Press release Global 2000 Austria, 30.04.2008)

The ascertained need for action is underpinned from an in 2012 published study after which were found in the blood of 93% of unborn babies and with pregnant poison materials which are used in the agriculture with the production by genetic food. With it is proved that – against all present statements of genetic industry and politics – itself by genetic food dangerous remains and poisons fortify in the human body – and also already with unborn babies.

1st of July, 2012:

GLYPHOSAT NOW IN URINE OF CITY DWELLERS FOUND

A study of a German university has ascertained considerable concentrations of glyphosate in urine tests of city-inhabitants. With all test persons the concentration of glyphosate was around 5 to 20-fold higher than the permissible maximum for drinking water. This news follows only briefly after another study confirmed that glyphosate dirties the ground water.

The last year a publication was also published about two geologic studies from the USA which consistent Glyphosate proved in rivers, rains and even in the air of agricultural regions in the USA. Other topical studies suggest that people take up Glyphosate not only by many different springs, but that it also circulate in the blood passing even the placenta reaching the developing foetus.

http://www.gmwatch.org/index.php?option=com_content&view=article&id=13631

Glyphosate in human urine

Scientists of the university of Leipzig have discovered remains of the highly toxic plant poison Glyphosate in urine tests. This reported the "South German Newspaper" with reference to an up to now not published study of the institute of bacteriology and mycology. Especially explosive: there were examined not farmers, who get into contact by the exercise of their occupation using the pesticides, but people who do their activity mostly in offices. Therefore, the poison must have been taken up about food.

One of the researchers, professor Monika Krüger, explained to the newspaper: „We have proved Glyphosate in the urine of people, benefit animals and wild living animals, in almost all tests.“ The manufacturers of the herbicide have always assured, that it not reaching the food chain, There are no effective controls about this.

Glyphosate, which is sold by agrochemical industries like Monsanto ("Roundup") and Bayer, is valid among critics as especially harmful for environment and the human health. It is often sold together with genetically modified seeds, but is also used in conventional monocultures. In South America farmers already died of poisoning. <http://www.keine-gentechnik.de/news-gentechnik/news/de/26027.html> 10.07.2012

„The EU has raised the limit value for Glyphosate by the factor 200 (from 0,1 to 20 mg / kg) with it the glyphosate contaminated genetic soy generally could be imported“ (Volker Helldorff 24.08.12)

The called facts show that the use of genetic plants like genetic soy for animal feeding causes violations of the human right on health – and must be stopped by the government immediately.

6.) Violations of the right for freedom in sciences and research (Art. 15)

Freedom in research is no longer given! 95% of scientists in the area of genetics & genetic engineering work dependently in direction of industry. In case they produce data and results, which are not in agreement with expectations of industry they were punished by losing their jobs and/or losing financing and materials for further research (*"A film for Life", Bertram Verhaag in "Gefahr Gentechnik", p. 183-186*).

"It may never be a question of preferring one form of cultivation. All systems of cultivation must have an equal right for existence." (communication-concept of the government of Sachsen-Anhalt, from 4.2.2004 http://www.saveourseeds.org/downloads/erprobungsanbau_Kommunikation.pdf)

But reality is different. The Agro-Genetic engineering is fed up by government funds, led researchers and their institutes being well. A comparison with the year 2008 shows this very clearly: 7 million Euro received research projects of ecological agriculture, during alone biotechnology received 165 millions Euro from the ministry of research. Money of the ministry of agriculture like from the research-fund for energy-plant-research (Biogas from the field) and not-governmental demands hasn't been included here. Already this fund-allocation shows how on-sided they place the Genetic engineering. This millions press ahead the change of agriculture to industrial food-production. In the same time they are lubricant to change university research. Agricultural sciences and biology has been degraded to pure biotechnology-laboratories and public-relation-agencies on the most highschools. A self-determined and environmental compatible cultivation of fields, meadows and pastures becomes pushed more and more in a land of profit-critical romantic. (http://www.projektwerkstatt.de/gen/genforschung_uni.htm: Forschung und Forschungsförderung)

„80% of the people are against the use of genetic engineering in food and agriculture.All relevant positions in the regulatory and technical authorities are held by biased officials leaning to the the gmo industry. The district court of Würzburg assumed as true "thatall decision-authorized members of the GMO-working group at EFSA are unresented proponents of genetic engineering" (Az. 2 Ns 701 Js 18810/2008)

Like this it's also in reality:

At the responsible administrative bodies, in money-allocation-positions and the great sponsors of research the proponents of genetic engineering take all executive jobs. There are no sceptical or critical voices in commissions and the administrative bodies for admissions and controlling. Since years have rapes removed the stitches. This networks are not the only one but also one of the reasons getting Agro-genetic engineering and their conditions accepted- in spite of the predominant disapproval – directing there all

institutional resources of agricultural sponsorships. This has been developed always more and more intensive during the time....” (<http://www.projektwerkstatt.de/gen/filz.htm>)

At a conference in Zürich researchers reported not to find risks using GMOs. In contrary have been reports from scientists, which demanded an immediately stop of the use of GMO because of serious results. After the conference I asked one of this researchers how it could be, that the results are so different. Her answer:

„This researchers have the strict order to stop their studies after a certain number of days knowing exactly, that results becoming negative crossing this number. For that, all reported results are correct - only at real long-time-tests this results would change completely.”

This researcher got a dismissal, because she continued her research – against the strict order of her institute to break off the trials after this number of days - because she wanted to know, what happens after this limit. She emigrated to America.

There „... we find plain informations about different acteurs ignoring the necessary independence, preventing enough transparence and neglecting the active care of controll-tasks partly about a long time. The administrative bodies have followed about years an agenda seeming aimed more at a teamwork with industry than an independent and critical controll of them.

Politics seeming have lost the controll of her administrative bodies and experts in many parts.

Just for long time experts determine the course. If politics now withdrawing even more from responsibility about the approval of genetic modified plants she let have decisions, being existential for environment and consumers, to the free game of organised economic interests.“ (*„control or collaboration? agro genetic engineering and the roll of administrative bodies“ Antje Lorch and Christoph Then, April 2008, S. 37*)

„With the genetic engineering there is most research money. Our institute can exist only if we carry out the research assignments of the genetic engineering industry whether we do this with pleasure or not. One gets, e.g., a research assignment with the ready result. Then we fix the test realisation in such a way that this result comes out. Makes no difference to us, yes, the lucrative order is important. Should against expectation the desired result not come out with the attempt, nevertheless, we circumscribe it in such a way that it fits“, because today it is so usual from politicians and officials to look at the result with all attempts only. Only few of the called could interpret anyway the test realisation which often states quite differently, so we have a light play.....

More and more topically becomes the film „bought truth - genetic engineering in the magnetic field of the money“. This film shows quite clearly how scientists are harassed who uncover dangers. Now there is the film also on DVD under www.denkmal-film.com. Please, absolutely order and consider.

Further announcements on this subject: An editor reports to me, he filmed in some countries in which genetic soy is grown and the cancer rate lies with nearly 80%. In many countries the media reported in detail about this new French study. In Germany is not a single one publicly juridical television broadcasting station which would have reported about that. They want to keep it from the population and calms them rather with insignificant.“ 22.09.12 *Feilmeyer Josef, international working group Feed NON-GVO, VLOG, Federation food without gmo*

„The biggest problem is still that the official departments, farm alliance, etc. with the industry are linked up. One informs the agriculture industrial-compliant. Therefore, one blocks the market in such a way from as one needs him. As a small example in addition a case from former years what takes place, however, even today just. At that time the official adviser of the government packed up his stuff and left the hall. He disgraced himself about everything. This “good turns” must stop. In the consultation we need sound practical people who must be without association and neutral, however. E.G. the boss of the agriculture school in the Burgenland. This trains all schoolboys on BIOlogical farming to make then good conventional farmers out of them. They know what is wrong if they go on the field.“ 22.09.12 Feilmeier Josef, international working group Feed NON-GVO, VLOG, Federation food without gmo

This facts are showing the reality about an independent risk-research in Austria. The austrian government has to secure urgently, that every politician starting his job has the duty to show beeing neutral and not in an assodiation or directory; and an neutral and independend consultancy and education for the farmers protecting ressources and **independent from industrie – giants.**

7.) Steps in order to ensure the Rights of farmers and consumers

The following measures could protect us already from further damages:

- a. A prohibition of any use of GMO for food and feed until the potential risks are proven to not exist for eco-social consequences using long term research
- b. Accurate research on known damages and risks for health
- c. Long term research executed by really independent scientists
- d. prohibit the import of GMO for feed for animals (gmsoya). About this feed the poisons of gm are reaching our food (Glyphosate) and in our soils.
- e. obligation to mark also products from animals feeded with GM-food
- f. Implementation the duty for every politician starting his job to show beeing neutral and not in an association or directory.
- g. To secure an neutral and independend consultancy and education for the farmers protecting ressources and independent from industrie – giants
- h. Immediately stop of all govern sponsorship of agroindustries.
- i. The agroindustries has to take full legal liability for all damages, in special the liability for the autonomous retransmission about the pollen.
- j. If an agroindustrie wants to permit new products first he has to give money to a fond allowing the state extensive independent security-tests paid by the agroindustrie.

Summarizing it becomes clear, that the Federal Republic of Austria in spite of all commendable efforts has not fulfilled its duties in an sufficiently manner. For the austrian population this means an existential and irreversible threat of its food security.

Press release, 10.12.2013

Answer of the UN-committee:

UN calls for observance of human rights in agricultural and trade policies in Austria

The UN Committee on Economic, Social and Cultural Rights criticizes the Austrian Government that their agricultural and trade policies in Third World countries violate human rights and calls for action.

The UN Human Rights Committee has asked Austria to pay attention on the observance of human rights in its development aid, agriculture and trade policy - even in the South.

Last week, the committee announced its recommendations to the Austrian Government. "This includes the prohibition of Gm-soy and GM-maize imports from South America - what is produced under drastic human rights violations, as we have stated in our report and in person before the committee!" said Christiane Lüst of the international network „Aktion GEN-Klage“. She had submitted together with Volker Helldorff by the Austrian network "doctors, farmers and lawyers for GM-free food" the second legal action against Austria for human rights violations through the use of genetic engineering in agriculture before the Committee on Economic, Social and Cultural Rights of the United Nations in Geneva. "The Committee is concerned about the lack of understanding of Austrian companies about the impact of their activities on human rights locally.

The Committee therefore urges the Austrian Government to ensure full respect for economic, social and cultural rights ratified by Austria also to group activities!

In Austria

- The animals are fed with GM-feed in large quantities - research shows massive and even life-threatening health problems due to this – the import from south america causes drastic violations of human rights in the producer countries (Argentine, Brazil, Paraguay - rural exodus, drastic increasing poverty, damages of health ...)
- There is no duty for labeling products of animals that have been fed with gm-feed.
- Food with more and more genetically modified additives are allowed.
- Long term research – longer than 90 days – about the consequences of GM-Food that are more and more allowed for import – does not exist.

The austrian government is demanded:

- To prohibit the import of gm-soya for animal – feeding from south – america immediately, reducing the human right violations in the producer-countries with this step.

- To promote the producing of feed in Austria securing the existence of the austrian farmers – not promoting the import of gm-soya. It couldn't be, that we use our gm-free products for bio-energy taking the imported gm-products for food-production.
- to introduce a clearly mark for all GMO-products and GMO-uses in food for humans - but also in feed stuff for animals and all products from animals
- to introduce a legal liability for agroindustries to be responsible for all consequences of GMO for soil and health and in special as the danger for irreversibly spreading of gm-plants about the hole country about the polls - leading to irreversibly destruction of the basis of life of farmers esp. biofarmers and bee-keepers
- protecting the old and regional adapted seed of the local farmers – which take their seed every year again from their harvest and have no costs for buying it – including also the own reproduction and the independence from agro-business – and hindering the new EU-seed-guideline with all possibilities the government has.
- Promoting the diversity of useful plants and animals, not monocultures
- to prohibit patenting of plants and animals securing also in future the independence of farmers, consumers and food-sovereignty from agroindustries.

"Our constant reporting to the UN on the results of the use of genetic engineering in food and agriculture convinces worldwide. Our arguments put forward speak for themselves. In the past, the UN Committee has urged governments to stop the use of GMOs, because it increasingly violated human rights:

2008 - the indian government has been demanded to protect farmers for dependency on multinational corporations and to protect access to the old seeds.

2009 against Brazil they demanded to stop immediately the deforesting of the rainforests - in most cases for GM-soya - and the further destruction of livelihoods of indigenous people and little farmers, land concentration, slave-work, rural exodus and the increase of poverty.

2010 the committee demanded the **columbian government** to develop agricultural policies which prioritize the production of food and not for export and ensure the restitution of lands taken from indigenous and afro-colombian peoples, as well as peasant communities.

In **May 2011** they demanded the **german government** to take political measures regarding the protection of health in the context of food containing genetically modified organisms and they have complained, not to take sufficient account to human rights in their agricultural, trade and development aid policy.

2011 Argentina was reprimanded for the increased use of chemical pesticides and transgenic soy and its negative effects on the population and called for a stop of deforestation for more soy plantations and the protection of traditional farming practices of indigenous communities.

The international pact of human right has been ratified about 140 countries worldwide, also Austria. All five years this countries have to report in front of the UN-committee for economic, social and cultural human rights in Geneva about the situation of human rights in their country.

The governments have to implement the after 3 weeks of session from the committee published concluding observations in the next five years.

For further informations: www.stopptgennahrungsmittel.de. T

Contact for questions:

Christiane Lüst Aktion GEN-Klage, Berengariastr. 5, 82131 Gauting, Dtlld.
Tel.: 0049 / 89 893 11 054 Christiane.luest@t-online.de

Dipl. Ing. Volker Helldorff Ärzte, Bauern und Juristen für gentechnikfreie Nahrung,
Unterlinden 9, A-9111 Haimburg M: 0043 (0) 676- 729 30 82 F: 0043(0)4232 / 7114 – 14 E:
volker@helldorff.biz

Klaus Faißner, Journalist / Wien Agro-klaus.faissner@chello.at M: 0043-650 / 713 23 50

Conclusion:

ÖkologiePolitik 151

United Nations Human Rights Committee

GMO-free food is enforceable

For the first time the Human Rights Committee of the United Nations has called a policy of health protection in respect of foods containing genetically modified organisms for a state government: the German government! This is a sensational success for the resistance against the large corporations.

The action at the United Nations Human Rights Committee in Geneva against the German government was the sixth in total. Earlier, there were Lawsuits against Austria, Canada, India, Brazil and Colombia. Continuous reporting on the global consequences of genetic engineering in agriculture and food persuaded the Committee more and more.

In the five lawsuits before it had already called on the governments to protect seeds and farmers against genetically modified organisms and the resulting dependence on corporations. Now he confirmed the health effects of GM foods as human rights violations for the first time and calls on health protective measures by the German government. In order to implement this in the next 5 years the following measures are needed:

- ban on the introduction of GMOs in animal feed, food production and agriculture
- Mandatory labeling of all genetically modified foods until the ban is valid (also for animal feed and animal products)
- termination of all gene field trials
- Preservation of seed purity and a ban on gene-shares.

Moreover, the UN criticized the German Government, not to respect the human rights enough for their agricultural, trade and development aid policies, as well as their support of activities of

German companies in developing countries. In future, with German money no gene-food and no gene-seed for developing countries should be procured, transported or distributed.

Lawsuits at EU level

It is clear that Germany does not fulfill its obligations. Of course, the development of genetic engineering is heavily dependent on what the European Union (EU) decides, but a State Government certainly has possibilities for action. The Greek Government, for example, not only forbade the import and cultivation of genetically engineered products, but even transportation.

Nonetheless: The international network "Aktion GEN-Klage", founded by myself, already intends to stop the introduction of genetic engineering in Europe legally at EU level parallel to the activities at the United Nations. Legal experts from Austria and Germany demonstrated that it is feasible. Meanwhile runs a lawsuit against the Amflora approval, currently pending for trial at the European Court. More lawsuits are planned, the next against the re-authorization of MON 810. Who fights can lose. Who does not fight has already lost!

Christiane Lüst

is a certified social pedagogue (FH) and operates an environmental center and Fair Trade Café in Gauting near Munich. Since 2001 she worked for the United Nations Human Rights Committee in Geneva as a rapporteur. For more than 20 years she has been a member and currently chairman of the ÖDP-party in Starnberg.

Contact: www.oeko-und-fair.de

Network „Aktion GEN-Klage“

The network was founded in 2006 by Christiane Lüst and now more than 60 organizations from Europe, Asia, America and Africa have joined it. As the lawsuits are very expensive - the suit against Amflora costs again around 25,000 euros - the network needs urgent donations.

Contact: www.stopptgennahrungsmittel.de

Afterword:

Why this book?

With our consumerism we create drastic human rights violations all around the world.

Whether it's chocolate (child slaves on cocoa plantations), flowers (exploitation and pesticide poisoning among flower workers and florists), soccer balls, clothing, (exploitation by low wages in Bangladesh) or just GM foods that are on our supermarket shelves (soya imports for feeding our animals). All this must be stopped immediately. And you can correct. Every one of us! Let's start immediately, whether with the daily shopping or even politically! Everyone is responsible when our lifestyle injures other people in their rights and propels into hunger and poverty. After all it is enough easily for all!

Additionally we are already even massively affected:

July 2012:

Glyphosate now found in the urine of city dwellers!

A study by a German university institute has found significant glyphosate concentrations in urine samples of city dwellers. In all test persons glyphosate concentration was about five to twenty times higher than the permitted maximum for drinking water. This news followed only shortly after another study confirmed that Glyphosate contaminates groundwater increasingly.

Last year there was a publication of two geological studies from the US, which detected glyphosate in rivers, rain and even in the air of agricultural regions in the US. More recent studies suggest that glyphosate accumulates in the human body not only through many different sources, but it also circulates in the blood, crosses the placenta and reach the developing fetus.

http://www.gmwatch.org/index.php?option=com_content&view=article&id=13631

And the usual reaction of the policy?

In an increasingly critical situation for consumers, the EU raised the limiting values for glyphosate residues in our food ever, for example at the request of Monsanto for lenses.

+ EU Foodkeeper gives in to MONSANTO's claim, to increase the limits for glyphosate residues in lenses. The European Food Safety Authority "EFSA" uphelds Monsanto's request to increase maximum residue limits (MRL) for glyphosate (the main ingredient of Roundup herbicide) in lenses allowed by the EU. The currently permitted maximum residue limit should be raised about 100 to 150times. (July 2012)

What can everyone do?

- Boycott Gen foods everywhere, in the supermarket, in the restaurant. That means not to purchase animal products that are not organic. These also include pasta, chocolate, biscuits and so on. In addition, all products in which eggs and milk were processed and of course all sausage and meat products, which are of non-organic origin. They must not be marked in Germany. All non-organic animal products are normally fed with GM soya!). If 80% of Germans who oppose Gen foods would not buy GM foods any longer, then these products would disappear immediately from the shelves in supermarkets and we would not have to wait any longer for the policy. As consumers we can regulate it ourselves, faster and above all much more effective. And there would be no more Minister "Aigner", who operates in the interests of the industry instead of complying her task to protect the consumers.
- Create a "Civil courage group" in your community and in the district. So you make the community or the county free of GMO-cultivation and in the next step free of GMO import and GM food. Support: see www.zivilcourage.ro or with us.
- Print the press release of the UN calling on the German government, and give it into the hand of all politicians, such as the local mayor, the district administration, the political parties, the human rights organizations such as Amnesty International, and so on.
- Buy only fair trade products and from regional farmers. Do not support industrial farming any longer with cheap meat and thus GMO-imports. No more child labor and expulsions, no longer having a bad conscience because of unfair production conditions in the Third World (Nutella, chocolate, coffee, tea)

- Show Minister Aigner the red card! Go to on Mrs. Merkel, to the press and to the Human Rights Committee in the Bundestag, and ask how they intend to implement the recievables until the next report of the Federal Government to the UN in 2016!
- Ask friends and neighbors even to do so.
- How is it in schools? Are the school lunches organic, regional and fair? How is it in your canteen at work, in kindergarten, in public institutions?
- Ask for GMO-free organic meat in cafes and restaurants that does not come from factory farming! Otherwise, boycott!
- Show the movie "Raising Resistance" (for loan at Eco & Fair, available as a DVD in stores) at the local cinema, in schools, in confirmation classes and draw attention to our lifestyle that must be changed in order to turn off poverty in producing countries immediately!
- Book a lecture or a movie discussion with us. We are also happy to visit you.
- Everyone is responsible and we all have it in our hand!

"It's not your fault that the world is as it is, but it's your fault if it remains"

(Punkband "Die Ärzte")

In this sense...

Yes, we can!

Regarding: Right to Know: Vote Yes on Prop 37

I ask you to publish the following press release until Tuesday 6. of November latest:

UN-committee for human rights:

Governments allowing genetical modified food injurries the human rights:

the UN-committee for human rights demands a policy regarding the protection of health in the context of food containing genetically modified organisms

Labelling GM-Food is necessary as first step for giving consumers their human right of self-determination, the possibility to choose what they eat. As many other countries worldwide, the US-goverment signed the International Pact of human rights - beeing in the duty to fulfill.

The use of genetically modified organisms (GMOs) in the area of agriculture violates drastically the human rights of farmers, bee-keepers and consumers. During the last years a couple of countries (Austria, Canada, India, Brazil, Colombia, Germany, Argentine) reported about the consequences and human rights violations in their countries before the UN-committee. And the committee has already acknowledged these violations as unlawful. Also the USA is affected from this violations - more and more genetically modified food and crops are permitted, grown and imported since many years.

In May 2008 for the first time the UN-committee for economic, cultural and social rights has criticized the implementation of GM in food and agricultur as human right violation and a government has been asked to protect farmers for dependency on multinational corporations and also to protect access to the old seeds.

The international pact of human right has been ratified about 140 countries worldwide, also USA has signed. "This means, that the UN-concludings - to protect consumers from GM-food and farmers for dependency on multinational corporations, to protect access to the old seeds – also is a demand the US-government!" says Christiane Lüst from the international network "Aktion GEN-Klage", the reporter about the follows of GM worldwide for the UN-committee, in her press-release.

Further information also in english language can be found on:
www.stopptgennahrungsmittel.de

For further questions please contact:

Christiane Luest

Germany, phone: 0049 / 89 893 11 054

"Aktion GEN-Klage"

founder of the international organisation with over 60 organisations worldwide

(look under www.stopptgennahrungsmittel.de)