



Monsanto: GM soybeans and the Mayan communities of Campeche, Mexico

US-based agrochemical firm Monsanto's efforts to promote GMOs in Mexico, including intense lobby efforts, led to violations of the rights of indigenous peoples.

Problem Analysis

This case shows how the promotion of an agri-industrial, monoculture-based approach to farming violated the human rights of indigenous peoples. It shows how the agri-industrial production model clashed with the Mayan cosmovision of respect for nature. But public authorities failed to consult with local communities or to protect a variety of human rights, while supporting the development of Monsanto's genetically modified soybeans. Indigenous communities have had insufficient access to remedy and have not been granted redress for the damage done. The case also shows what these communities were able to achieve through resistance to corporate power and corporate-state collaboration.

Company

Company (and local subsidiary): Monsanto

Head office: United States

Subsidiary: Monsanto Comercial S.A. de C.V.

Company background

Public company (traded on the stock exchange)

Top 5 shareholders: Vanguard Total Stock Market Index Fund, Vanguard 500 Index Investor Fund, Vanguard PRIMECAP Inv Fund, SPDR S&P 500 ETF AUD, and SPDR S&P 500 ETF USD¹

Monsanto agreed to sell itself to Bayer. This merger is now under investigation by anti-trust authorities and regulators.²

Chairman and CEO: Hugh Grant (total compensation 2016: US\$11.841 million)³

President and Chief Operating Officer: Brett D. Begemann (total compensation 2016: US\$5,657,885)⁴

Annual profit: US\$2.26 billion (2017)⁵

Annual turnover (revenue): US\$14.46 billion (2017)⁶

Countries in which main company is present: > 80⁷

North / Central America: Canada, Guatemala, Mexico, Puerto Rico, United States.

South America: Argentina, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Uruguay.

Europe: Albania, Belarus, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Greece, Hungary, Ireland, Italy, Netherlands, Norway, Poland, Portugal, Romania, Russia, Slovakia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom

Middle East: Israel, Middle East

Asia / Pacific: Australia, Bangladesh, China, India, Indonesia, Japan, Kazakhstan, Malaysia, New Zealand, Pakistan, Philippines, Singapore, South Korea, Sri Lanka, Taiwan, Thailand, Uzbekistan, Vietnam

Africa: Algeria, Burkina Faso, Kenya, Malawi, Morocco, South Africa, Zimbabwe

Number of employees: +/- 20,800 (2017)⁸ regular employees and +/- 3,300 temporary outside the United States (2016)⁹

Company activity

Monsanto Company, together with its subsidiaries, is one of the largest agricultural corporations worldwide. It operates in two segments: 1. 'Seeds and Genomics': including genetically modified seeds; 2. 'Agricultural Productivity': Roundup brand herbicides and other herbicides for agricultural purposes and lawn-and-garden herbicide products for the residential market.¹⁰

Country and location in which the violation occurred

Yucatán and Campeche, Mexico

Summary of the case

Monsanto has a history of activity in Mexico's soybean sector. For ten years (2000–2009) production took place under the status of 'experimental' stage. In 2010 and 2011, these plantations became a 'pilot program', giving them more legal flexibility.¹¹ In 2012 federal authorities

granted Monsanto authorization to grow genetically modified (GM) soybeans for commercial purposes without first consulting the affected indigenous communities. The permit covered 253,500 hectares in seven Mexican states, including Yucatán and Campeche. The local Mayan communities pointed out, among other grievances, that the contamination of water with herbicides, deforestation and the impact of the project on beekeeping were causes for concern.¹² Bee populations have already been significantly reduced due to the use of other pesticides in industrial farming, such as neonicotinoids. Other adverse effects include social conflicts between farmers who promote the industrial model and Mayan communities that maintain a cosmovision based respect for nature.^{13,14}

A number of administrative and judicial complaints have been filed by civil society organizations and the communities of Campeche and Hopelchén.¹⁵ In 2012 Mayan beekeepers from Yucatan and Campeche filed a lawsuit against Monsanto's permit. The arguments put forward included violations of a range of Mayan people's rights in the state of Campeche: labour rights, due to the fact that German consumers (an important export market) reject honey with pollen traces coming from GE soybean plantings; the right to a healthy environment; the right to free, prior and informed consent (ILO Convention 169 on Indigenous and Tribal Peoples); and the need to apply the precautionary principle as contained in the Cartagena Protocol on Biosafety and Rio Declaration on Environment and Development. The case reached the second chamber of the Supreme Court of Justice (SCJN), and in November 2015 it ruled, that those responsible for having granted permission to Monsanto (the Ministry of Agriculture, Livestock, Rural Development, Fisheries and Food, together with the Ministry Environment and Natural Resources), were obliged to seek prior consent from the indigenous communities affected. After the Ministries again failed to do so, the Supreme Court ruled there could be no legal planting of GM soy until the National Commission for the Development of Indigenous Peoples (CDI) and the Interministerial Commission on the Biosafety of GMOs (CIBIOGEM) consult with the indigenous communities who filed the lawsuit.^{16,17,18,19,20,21}

The judicial authorities did not recognize the obligation to grant redress for damages to the Mayan communities, without being provided with arguments regarding this. In March 2016 the indigenous consultation began, but with many shortcomings and violations²², and GM soybeans continued to be illegally planted in the State of Campeche in 2016. In reaction to these violations, indigenous farmers

filed a petition (1447-1416) with the Inter-American Commission on Human Rights (IACHR) and testified before the International Monsanto Tribunal – an international civil society initiative – in October of 2016. Finally, in 2017, the Ministry of Agriculture sanctioned several farmers for planting illegal GM soybeans. In June 2017 Monsanto, who had been distributing the soybeans in previous years, stated on their website that the company has decided not to market GM soybeans in Mexico.²³

Endnotes

- 1 Monsanto Co, Morningstar at <http://beta.morningstar.com/stocks/xnys/mon/quote.html>
- 2 Diane Bartz and Greg Roumeliotis, "Bayer's Monsanto acquisition to face politically charged scrutiny," Reuters, 14 September 2016 at <https://www.reuters.com/article/us-monsanto-m-a-bayer-antitrust/bayers-monsanto-acquisition-to-face-politically-charged-scrutiny-idUSKCN11K2LG>
- 3 Data retrieved from the Thomson Reuters Eikon database
- 4 Ibid.
- 5 Ibid.
- 6 Ibid.
- 7 See Monsanto's company website: <https://monsanto.com/company/locations> (accessed on 3-10-2017)
- 8 Data retrieved from the Thomson Reuters Eikon database
- 9 "2016 Annual Report, A Limitless Perspective," Monsanto, p. 8 at https://monsanto.com/app/uploads/2017/05/2016_monsanto_annual_report.pdf
- 10 "Company Overview of Monsanto Company," Bloomberg at <https://www.bloomberg.com/research/stocks/private/snapshot.asp?privcapId=528414>
- 11 "Apiculture vs. Transgenic-soybean in the Yucatan Peninsula, Mexico," EJOLT, 13 March 2013, at http://www.ejolt.org/wordpress/wp-content/uploads/2013/03/FS_004_GMOvsBees.pdf
- 12 "Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises on its mission to Mexico," UN General Assembly, Human Rights Council, 27 April 2017 at http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/35/32/Add.2
- 13 Rendón-von Osten, Jaime and Ricardo Dzúl-Caamal, June 2017, Glyphosate Residues in Groundwater, Drinking Water and Urine of Subsistence Farmers from Intensive Agriculture Localities: A Survey in Hopelchén, Campeche, Mexico," June 2017 at https://www.researchgate.net/publication/317376484_Glyphosate_Residues_in_Groundwater_Drinking_Water_and_Urine_of_Subistence_Farmers_from_Intensive_Agriculture_Localities_A_Survey_in_Hopelchen_Campeche_Mexico
- 14 E.A.Ellis, A. Romero Montero and I.U. Hernández Gómez, "Evaluación y mapeo de los determinantes de deforestación en la Península Yucatán. Agencia de los Estados Unidos para el Desarrollo Internacional (USAID)," The Nature Conservancy (TNC), Alianza México REDD+, México, Distrito Federal 2015 at https://www.researchgate.net/publication/283090392_Evaluacion_y_mapeo_de_los_determinantes_de_la_deforestacion_en_la_Peninsula_Yucatan-USAIDTNCMREDD
- 15 For an overview of legal actions by Mayan communities and civil society organisations see Monsanto Tribunal, Memo n°11: María Colin Lawyer, 2016 at http://en.monsantotribunal.org/upload/asset_cache/419153191.pdf?rnd=lfTECd
- 16 ¡Celebremos! Mayas ganan amparo contra soya transgénica, Greenpeace Mexico's blogpost, 5 November 2015 at

<http://www.greenpeace.org/mexico/es/Blog/Blog-de-Greenpeace-Verde/celebre-mayas-ganan-amparo-contr-soya-tra/blog/54669>

17 "Misión de Observación de la Consulta al Pueblo Maya sobre la siembra de soya genéticamente modificada," Greenpeace Mexico, 8 June 2016 at <http://www.greenpeace.org/mexico/es/Footer/Descargas/reports/Agricultura-sustentable-y-transgenicos/Mision-de-Observacion-de-la-Consulta-al-Pueblo-Maya-sobre-la-siembra-de-soya-geneticamente-modificada>

18 "Primer reporte de observación de la Consulta a Pueblos y Comunidades Indígenas en los Municipios de Hopelchén y Tenabo," Greenpeace México, 13 May 2016 at <http://www.greenpeace.org/mexico/es/Footer/Descargas/reports/Agricultura-sustentable-y-transgenicos/Primer-reporte-de-observacion-de-la-Consulta-a-Pueblos-y-Comunidades-Indigenas-en-los-Municipios-de-Hopelchen-y-Tenabo>

19 "Memo n° 11 Angélica Ek Canché and Feliciano Ucán Poot – GMO soya, Mexico," Monsanto Tribunal, 2016, at http://en.monsantotribunal.org/upload/asset_cache/485496771.pdf?rnd=vPZwrC

20 "Monsanto en el banquillo de los acusados," Greenpeace México, 13 October 2016 at <http://www.greenpeace.org/mexico/es/Blog/Blog-de-Greenpeace-Verde/monsanto-en-el-banquillo-de-los-acusados/blog/57711>

21 "Informe del Grupo de Trabajo de las Naciones Unidas de Empresas y Derechos Humanos respecto de su visita a México," Greenpeace México, 20 June 2017 at <https://blog.greenpeace.org.mx/informe-del-grupo-de-trabajo-de-las-naciones-unidas-de-empresas>

22 For news articles on the consultation process see the website of Misión de Observación de la Consulta al Pueblo Maya (Observation Mission of the Consultation of the Mayan People) at <http://consultaindigenamaya.org/sala-de-prensa>

23 "Monsanto no comercializará soya GM durante este ciclo de siembra," Monsanto Global, 19 June 2017 at <http://www.monsantoglobal.com/global/lan/noticias-y-opiniones/Pages/Ante-el-inicio-de-la-temporada-de-siembra-de-soya-y-a-fin-de-esclarecer-las-acusaciones-sin-fundamento,-la-compa%C3%B1%C3%ADa-aclara-.aspx> (accessed at 2-10-2017)