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International Monsanto Tribunal In The Hague - October 2016

PRAYERS TO THE TRIBUNAL – TERMS OF REFERENCE 5

INTERNATIONAL MONSANTO TRIBUNAL, HAGUE - OCTOBER 2016

PRAYERS TO THE TRIBUNAL

The Plaintiffs calls upon the Tribunal to speak on behalf of all humanity. Civil society, jurists, scientists, United Nations agencies, individual citizens and nation states, cognisant of the environmental degradation of their territories, combine to express a groundswell of support for the urgent creation of a normative threshold regarding environmental violence.

In this context;

PRAYERS TO THE TRIBUNAL – TERMS OF REFERENCE 5

- 1.** *The Plaintiffs seek* a declaration that when a legal duty is imposed on a corporation, in circumstances where it is not clear who was personally obliged to fulfil the duty non-fulfilment does not exonerate a corporation from the harm it has occasioned by its complicity in acts that facilitate breaches of international law by a third party.
- 2.** *The Plaintiffs seek* a declaration that corporations may commit crimes which can be prosecuted at the international level on the basis that corporate criminal liability under international law is not conceptually impossible.
- 3.** *The Plaintiffs seek* a declaration that despite Article 25 of the ICC confining itself to 'natural' persons, its inherent jurisdiction does grant leeway to prosecute other juridical persons considering that the essence of inherent powers is that they can and do exist outside of written text.
- 4.** *The Plaintiffs seek* a statement that it is reasonable and fair to hold corporations criminally responsible for complicity in international crimes when their engagement in commercial activities and profit generation aid and abet third party breaches of international law.
- 5.** *The Plaintiffs seek* a statement that a corporation benefits from its positive and successful activities. The corporation earns a good name for its own when the acts of its organs create the basis for such good name. In tandem a corporation's reputation cannot remain immune when it deserves a blemish on its name when it is a primary or secondary accessory to breaches of international law.
- 6.** *The Plaintiffs seek* a declaration that jurisdiction by an international court/tribunal is linked to rules of substantive international law that provide for the punishment of legal persons. In the absence of any international treaty providing for substantive norms, the source of the norm can be located within the in international normative system.
- 7.** *The Plaintiffs seek* a declaration given Monsanto's active development and supply of Agent Orange to the US military and the supply of millions of gallons of the chemical, the corporation establish an environmental and health trust

fund of US \$50 million—5% of its annual profits. This is not a punitive sum given that its profits regularly hover above US \$1 billion per annum.

- 8.** *The Plaintiffs seek a declaration that Monsanto establish an endowment fund of US \$5 million to fund a research institute on use of chemical and biological substances and the environmental effects in armed conflict under the joint auspices of the International Committee of the Red Cross (ICRC) and The United Nations Environment Programme (UNEP).*