

## The Maize Protection Act of Tlaxcala: A Trojan Horse

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In the neoliberal era, the majority of laws have been written or modified to eliminate individual and collective rights and further the interests of corporations. Such is the case in the reform of Article 27, and the laws regarding water, minerals, seeds, biosecurity, and, unfortunately, also the Agricultural Bill for the Promotion and Protection of Corn as Cultural Legacy, in its Diversity and as Food (*Ley Agrícola de Fomento y Protección al Maíz como Patrimonio Originario, en Diversificación Constante y Alimentario*), in the state of Tlaxcala.

The Maize Protection Act of Tlaxcala was presented in the eyes of domestic and foreign public opinion as a law that prohibits the cultivation of GM maize and declares the state free of transgenics. However, this is not within the realm of possibility, since the declaration of transgenic-free zones and the decision about where GM corn may be planted is a federal decision, regulated by the Law on Biosafety and Genetically Modified Organisms (LBOGM), aka the Monsanto Law. The Maize Protection Act of Tlaxcala never mentions the sowing, planting or cultivation of genetically modified corn, but only restricts its storage, marketing and distribution. Furthermore, the Maize Protection Act of Tlaxcala calls the authorization given by a municipality “community authorization.” Municipal interests are not always the same as community interests, hence the description of community authorization is just marketing. As further evidence of what amounts to an increased level of regulation and bureaucratic control, the same actions are authorized at the state level by the state Department of Agriculture (SEFOA).

The law attempts to declare the state a GM-corn-free zone (Article 22), but all it can actually do is create a regulatory mechanism that requires enhanced documentation. It creates a favorable impression and thus gains the support of local and state governments. The Monsanto Law, which the Maize Protection Act of Tlaxcala does nothing to challenge, states in Article 90 that transgenic-free zones will be declared at the request of organizations of certified organic farmers, who can demonstrate through technical and scientific means that coexistence is impossible or would have negative repercussions on their markets.

Thus, protection under this law ends up being mere lip service. But the most serious implication of this law is that it paves the way for corporate seed interests and gives greater powers to the Secretary of State Agriculture, requiring community-based seed sharing processes to be registered and reducing the range of actions available to peasants and farmers. For example, criollo maize in local seed banks must now be approved by the SEFOA and supervised by the State Maize Board, which can intervene in case of contradiction with the law (Article 53).

The supposed protection and promotion of native maize includes designations of origin, patents and plant variety protection (Article 19). All these tools serve to further the

interests of corporations and are contrary to collective rights and the common good. They are included in the Federal Plant Variety Law, under the rights of the breeder, which requires that a variety can be guaranteed as new, distinct, stable and homogeneous-- conditions that locally adapted landrace varieties, including maize, cannot meet, because by definition they are under constant diversification.

Additionally, Tlaxcala's Maize Protection Act requires the creation of an inventory of corn biodiversity and establishes a directory of individual producers as part of the classification system. Members of the Network in Defense of Maize see this directory as hazardous when analyzed in the light of the European experience, which they know from their German, French and Spanish peers.

In Europe, seed laws have made **unregistered** landrace seeds illegal. It is prohibited to sell, exchange or distribute seeds that are not in a catalog of registered varieties. Locally adapted heirloom varieties **often** do not meet these requirements and, therefore, are now illegal. The European struggle has been to reject the registration system. The Mexican Seed Law (2007) follows this trend, making it illegal to distribute or sell unregistered seed, i.e. the seeds peasants have used and adapted for centuries.

Moreover, companies in Europe may demand that farmers pay royalties for sowing seeds from their own harvest, arguing that in the past they may have used patented seed whose enhanced characteristics persist in the current crops. The directory of producers allows companies to monitor and intimidate farmers into paying compensations.

In contrast to the bureaucratic regulation required by the Tlaxcala Law, and recognizing that the government and laws are in favor of multinationals, the organizations and communities of the Network in Defense of Maize decided many years ago to defend their territories from the entry of transgenics through community processes based in education. Given their advantaged location in ejidos and agrarian communities, members have opted to declare themselves, by agreement of assembly, as ejidos and communities without transgenics, in some cases even including this decision in their statutes.

They have also perfected the practices of close observation of their crops, promoted the appreciation of native varieties through planting, eating, and celebrating them and in this way protecting them--and protecting them as people of corn.

Translated by Alice Brooks.