

Law for the Promotion and Protection of Corn: A New Legal Attack Against The People?

By Ana de Ita & Ramón Vera Herrera

On March 24, the Senate approved the Federal Law for the Promotion and Protection of Native Corn (LFFPMN) after a year of corrections and discussion by the Senate and House of Representatives. In the latest version, although there were adjustments, the core content was maintained, which brings with it enormous problems, as pointed out by the Network in Defense of Corn in its position of October 2, 2019.

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The first and most evident is that the Law, as colloquially insisted by Senator Ana Lilia Rivera, “does not prohibit anything”. How can native corn be protected without declaring a moratorium, stopping or prohibiting the experimental, pilot and commercial planting of genetically modified corn, as well as its transfer and commercialization?

Today we know that its promoters assume it is impossible to ban GM corn if the Biosafety and Genetically Modified Organisms Act allows it, and if the new Treaty between Mexico, the United States and Canada (TMEC) promotes its commercialization. So where is President López Obrador’s promise that there will be no transgenic crops in Mexico, at least not those destined for food?

Article 4 of this law declares that it is the state’s obligation to guarantee access to the consumption of native corn and its derived products, without genetically modified organisms (GMOs), a situation that is unlikely to be achieved without clear prohibitions on planting, and with an open market for imports of corn grain that is viable as seed, from the United States, where more than 90 percent of the corn is transgenic.

The second problem pointed out by the Network is the definition of native maize as “basic seed” in accordance with “Article 3 of the Federal Seed Production, Certification and Trade Act” and according to the International Union for the Protection of New Varieties of Plants (UPOV). The approved LFFPMN better defines native maize, but limits it to breeds that are identified by the National Commission for the Knowledge and Use of Biodiversity (Conabio), that is, only those catalogued.

The third issue is seed banks. Article 13 of the Law states that the State will encourage the creation of Community Seed Banks of Native Corn by ejidos and communities. But among the powers of the National Council of Corn (Conam), a body also created by this Law, is that of giving an opinion to the Secretary of Agriculture and Rural Development (Sader) on the authorization and supervision of the Seed Banks. Today, if any ejido or community decides to create and operate a seed bank it is totally free to do so, it does not have to ask for authorization from any authority. This law grants the State interference to authorize and supervise the seed banks of the ejidos and communities.

Community seed banks have little acceptance by the farmers, since each family usually saves its own seed for sowing in the next cycle. Seeds are freely exchanged among the people through their trusted channels.

Most seriously, Article 12 states that SADER, the Secretary of the Environment and Natural Resources (Semarnat), the Secretary of Culture, and Conam will identify the geographic areas in which traditional systems of production of “native corn breeds” are practiced, according to the information they have, in addition to including what has been said by producers and other institutions.

This is an foolish idea: to encapsulate the production of native corn, and therefore all the wealth of the milpas, which for millennia has worked to keep alive and diverse, not only corn, but peasant agriculture and communities. Reducing them to limited regions defined by the state and some producers (true “native corn reserves”), like all segregationist strategies, will also establish the paradox that the rest of the regions are not.

It does not matter that it is affirmed that in these regions “...the secretariats will establish the necessary measures to promote the sustainability of the traditional systems of native corn production. As corn is a cross-pollinated crop, it is useless to draw boundaries that the wind and insects do not respect. Why put a brake on the free exchange of seeds and knowledge between peoples, when they gave rise to the great diversity of races and varieties that have been transformed over the centuries?

Without realizing it, the promoters of this law, by referring to state institutions and an omnipresent council, the definition of where native maize is and is not grown, or the supervision of community seed banks, are infringing upon the principle of self-determination of peoples and preventing the exchange of seeds and knowledge of which maize is the fruit.

The discussion on corn reserves took place in 2011 when, in order to implement the Law on Biosafety and Genetically Modified Organisms, popularly known as the Monsanto Law, the Ministries of Agriculture and Environment imposed a definition of the centers of origin and diversity of corn (2011). To the attempts of segregation by regions, peasant and indigenous communities, together with people of science and broad social sectors, we claim that all Mexico and more is the center of origin and diversity of maize. Also, in response to the LFFPMN, we demand that native corn be planted and grown throughout Mexico.

To propose the strategy of corn “reservations” is to allow the planting of anything and under any method in the regions where the State and its Corn Council define that native corn is not planted. It is the seed corporations that have promoted this regional segregation in order to circumvent the bans on the entry of their products, especially the seeds of genetically modified crops.

Hence, it is unsurprising the congratulation of the representatives for their approval of the LFFPMN by the Mexican Association of Seed Producers AC (AMSAC), where they commend the safeguarding and use of “the genetic diversity of native maize and other phytogenetic resources.” And they say: “As an Association we will continue working to promote the objective of this law, as well as to increase the production of basic foods in Mexico, taking advantage of technological developments such as improved seeds whose characteristics have greatly benefited agricultural productivity and help to mitigate the negative effects of climate change meeting the challenges of modern agriculture”.

In 2010, GRAIN highlighted AMSAC’s presentation of itself as “an association that integrates the entire seed sector in Mexico, which has power and influence over

government decisions, with management capacity and participation in laws and regulations, and is recognized for its services and infrastructure to solve the problems of its members. AMSAC in Mexico is clearly a very efficient 'lobby' without any relation to peasant agriculture or native corn, and instead they have been promoters of genetically modified organisms, of the Federal Law of Production, Certification and Trade of Seeds of 2007 and of Mexico's adherence to the UPOV Convention version 91, where the privatization of seeds is promoted. In AMSAC are all the big seed transnationals, among which are on its board of directors the genetic giants Bayer, today merged with Monsanto, and Syngenta, in addition to Corteva, which today has several mergers.

So the industry and the secretaries of state celebrate the innocuousness of the law, but is it really innocuous? Not only does it not damage their interests, but it positions them.

The communities are challenging it because of the serious damage it does to the millennial work of mutual breeding with corn and cornfields, and to the peoples who continue to claim to be corn people in defense of their territories and their autonomy.

*Ana de Ita is a researcher for CECCAM, the Center for Studies on Change in the Mexican Countryside.

*Ramón Vera Herrera is an editor of the Latin American magazine *Biodiversidad, Sustento y Culturas*, and works for GRAIN, a small international organization that works to support people's struggles for community-controlled and biodiversity-based food systems.

This article was first published in Spanish in the *Ojarasca* supplement to *La Jornada* on the 10th of April, 2020.

This article was first published in Spanish in the *Ojarasca* supplement to *La Jornada* on the 10th of April, 2020. <https://ojarasca.jornada.com.mx/2020/04/10/ley-de-fomento-y-proteccion-del-maiz-nuevo-embate-legal-contra-los-pueblos-8647.html>. This English interpretation has been published by Schools for Chiapas.

<https://schoolsforchiapas.org/law-for-the-promotion-and-protection-of-corn-a-new-legal-attack-against-the-people/>