

Between 28 February and 3 March 2010, the Network for the Defence of Maize, the National Assembly of Environmentally Affected People and Vía Campesina–North America held an independent public hearing in Guadalajara, Mexico. The objective was to bring together the evidence and to elaborate the arguments for starting proceedings in international courts of justice against the Mexican government for deliberately permitting the introduction into the country of genetically modified (GM) maize. Mexico is where maize originated, thousands of years ago, and where today more than 1,500 native varieties grow, evolve, and are bred. The cultivation of these varieties is governed by a complex interaction of not only social relations, profound knowledge and trust, but also community resistance.

Confronting the FAO to stop GMOs

GRAIN

Ten years ago, Mexico's government began to distribute large quantities of GM maize seeds in the countryside, in an illegal, undercover operation, and native maize in different regions began to be contaminated. In response, indigenous and peasant communities from many regions formed the Network for the Defence of Maize (*Red en Defensa del Maíz*). They exchanged local knowledge and experience, and decided to ban the introduction of GM maize in their regions. The network was a space where they could share views, and they became more convinced than ever that the best way of protecting maize was by growing it. For these communities, agriculture is not a commercial activity but a way of caring for the planet through continuous work. Growing their own food is not only a way of understanding the complex relations between winds, water, forests, other crops, animals and soils but also of protecting human life and promoting justice. Only then can communities be sure that the diversity of maize will not be lost and that the natural and social

fabric of relations that lie behind maize will not be weakened.

The decision to hold a first public hearing to make an international case against the Mexican government and the major corporations involved in GM agriculture and food stemmed from the perception that the Mexican judicial system is completely closed or corrupt, or both. Over the last decade the Mexican government has approved a set of reforms and laws to privatise, register, certify or ban what were once commons – water, forests, seeds, biodiversity. It has encouraged intellectual property rights through patents and other legal devices and supported the introduction of GM crops. These laws have created a huge new space for the big corporations to manoeuvre at large but restricted yet further the already limited legal space available to common people. The three most damaging measures have been: the land counter-reform that permits the privatisation of public or communal land; the approval of NAFTA, which provides the big corporations with a totally different





1 FAO International Technical Conference, "Agricultural biotechnologies in developing countries: Options and opportunities in crops, forestry, livestock, fisheries and agro-industry to face the challenges of food security and climate change" (ABDC-10), Guadalajara, Mexico, 1-4 March 2010, document ABDC10/9 [Issues-Recommendations]: Agricultural Biotechnologies for Food Security and Sustainable Development: Options for developing Countries and Priorities for Action by the International Community, January 2010, http://www.fao.org/fileadmin/user_upload/abdc/documents/optpriore.pdf

2 ETC Group, "FAO's Biotech Meeting Dubbed 'Biased for Business' as Steering Committee Member Resigns", 26 February 2010, <http://www.etcgroup.org/en/node/5078>

3 *Ibid.*

set of rules with which to advance their interests; and the refusal to acknowledge indigenous rights in the Constitution.

It is no coincidence that, just a few months after the Mexican government had made it legally possible to grow GM maize experimentally in field trials (which, in practice, ended the moratorium that had been in effect since 1998), the United Nations Food and Agriculture Organisation (FAO) decided to come to Mexico to hold a "technical meeting" to promote biotechnologies as a solution to hunger in the world. At the very least, the decision showed a crass lack of sensitivity to the deep struggle being waged in Mexico over the issue.

Indigenous communities went further: they saw it as little short of a provocation from both parties. FAO was openly backing the Mexican authorities in their efforts to release GM crops, while Mexico's decision to host the meeting was a way of publicly acknowledging its support for FAO's biotechnology approach. So to hold a public hearing to enquire into these events was also meant as a counter-attack upon the FAO for holding a meeting that was geared to promoting GMOs and to advancing the interests of the corporations.

The FAO's involvement with biotechnology is blatant, as these three quotations from its official preparatory documents show:

"Agricultural biotechnologies provide opportunities to address the significant challenges of ensuring food security without destroying the environmental resource base. [Executive summary]

More emphasis and activity have been focused on developing policies and regulations related to preventing risks arising from GMO than to facilitating the use of agricultural biotechnologies for the benefit of poor rural producers. [p. 9, 2.7, 42]

Over-emphasis of and polarization within the "GMO debate" has distracted and diverted scientific and policy resources from focusing on the needs of poor rural producers. The controversy regarding GMOs in food and agriculture over the past decade has had significant effects in stalling, reducing and redirecting some public sector research efforts in agricultural biotechnologies ... [p. 9, 2.7, 43]¹

In a context so biased in favour of corporations, Pat Mooney, executive director of ETC Group, a



Photo: GRAHIN

The public hearing in Guadalajara.

veteran civil society member of the FAO's steering committee and a known activist against GMOs from the beginning, decided to resign publicly in protest:

"The overwhelming thrust of the guiding documents for the meeting are hopelessly biased in favour of biotechnology and skewed to persuade developing countries that they have no option but to climb on the biotech bandwagon. It's unacceptable that a supposedly neutral inter-governmental body like FAO would allow itself to be turned into a billboard for Big Biotech,"

Mooney said.² The ETC Group press release goes on to point out:

"The choice of Mexico as a venue for the biotech conference is also controversial. The Mexican government has recently broken a 10-year moratorium on the planting of GM maize. Answering a letter against these GM maize trials, sent by 1,500 organisations from 67 countries, the FAO secretariat said that it was a 'national matter' for Mexico, not for FAO."³

The resistance is joined

Many different people from communities, organisations, research centres and civil society

groups from Mexico and abroad, all linked to one of the three main organisers, participated in the public hearing and helped to develop a judicial strategy for building a case to present internationally. The sessions heard a different range of voices from those heard at the FAO's meeting. People presented a general diagnosis of GMOs, gave examples of the lies told to promote them and put forward strategies for building a judicial case to present internationally. All participants agreed that GMOs interfered with the processes of breeding and natural selection, with unknown consequences. In their early stages, GMOs allowed the corporations to act as controllers of who could and could not grow food, with what methods and with whose seeds. More recently, however, GMOs have been used increasingly to jeopardise natural and social processes, as companies are making GMOs that are, in fact, small factories for manufacturing fuels, toxins, hormones, drugs and other dangerous substances.

It was clear that, while GM contamination has affected native crops quickly and extensively in many countries, the GM offensive has encountered widespread peasant and indigenous resistance in Mexico. Although the government and the corporations have tried to pollute the whole country with clandestine GM seeds, this resistance has prevented contamination on a massive scale. The government has tried to enforce a huge battery of laws, regulations, certifications and registrations to criminalise the time-honoured behaviour of indigenous and peasant communities, but these communities' resistance is based on a determination that cannot be easily broken: it relies upon the daily local practice of traditional knowledge to

prevent contamination, to continue exchanging ancient native seeds, and to plant native maize and all its associated crops, season after season. This is the statement of a *comunero*, Eutimio Díaz, of the Wixárika people:

“We are not going to allow a few scientists and politicians (who know nothing about our relations with the land, with maize) to impose on us their “worsened” maize. Maize wants and requires special attention. Far from saying we will give up our maize, we need to find ways of looking after her better.⁴ We have lost a lot in our history – dances, music, festivities, clothing, knowledge. So with our maize we need to be more careful. If we lose her, our community will end. With maize, we can share. So we have spoken: we are not going to accept transgenic maize. If Mexico loses its seeds, the consequences in other areas may be even worse. So we are not going to give up our seeds. Ever. From our assemblies we have spoken: we are not going to respect any law that is set against our peoples, we are not going to allow alien maize to come in. We are not going to accept any law that affects our maize. What they want to impose on us brings with it a great deal of harm.”⁵

The testimonies and evidence brought together at the hearing constitute a strong legal case for arraigning the Mexican government in an international court of justice for abuse of power. But for the communities the case is important for another reason too: it helps them to increase their understanding and strengthen their organising. After all, the future is not written.



4 For the Wixárika, maize is a young girl.

5 Presentation by Eutimio Díaz Bautista at the public hearing, titled “Los Transgénicos nos Roban el Futuro” (“GM Crops Steal Our Future”), 2 March 2010. See <http://www.biodiversidadla.org/content/view/full/54866> (in Spanish).



GOING FURTHER

- The complete coverage of the public hearing, “Los transgénicos nos roban el futuro”, can be downloaded, in Spanish, from <http://www.biodiversidadla.org/content/view/full/54866>
- “In Defense of Maize (and the Future)”, Americas Program, August 2004, <http://americas.irc-online.org/citizen-action/series/13-maiz.html>
- Diario Oficial de la Federación, 6 March 2009; *La Jornada*, 10 March 2009; “México da luz verde a maíz transgénico”, *La Jornada*, 15 October 2009.
- Ana de Ita and Pilar López Sierra: “La cultura maicera mexicana frente al libre comercio”, in *Maíz, sustento y culturas en América Latina. Los impactos destructivos de la globalización*. REDES-AT Uruguay, Biodiversidad-sustento y culturas, Montevideo, 2004, p. 28.
- FAO International Technical Conference, Document ABDC10/9: *Agricultural Biotechnologies for Food Security and Sustainable Development: Options for Developing Countries and Priorities for Action by the International Community*, January 2010, http://www.fao.org/fileadmin/user_upload/abdc/documents/optpriore.pdf
- ETC Group, “FAO’s Biotech Meeting Dubbed ‘Biased for Business’ as Steering Committee Member Resigns in Protest”, 26 February 2010
- GRAIN, “Las mentiras de los transgénicos”, March 2010.
- GRAIN, “Fighting contamination around the world”, *Seedling*, January 2009, <http://www.grain.org/seedling/?id=575>