

8-26-2015

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Recommended Citation

Navarro, Carlos. "Federal Court Overturns Ban on Planting of GMO Seeds." (2015). <https://digitalrepository.unm.edu/sourcemex/6192>

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Federal Court Overturns Ban on Planting of GMO Seeds

by Carlos Navarro

Category/Department: Mexico

Published: 2015-08-26

In a major setback to opponents of genetically modified organisms (GMO), a Mexican federal court overturned a ruling that prevented multinational seed companies from offering altered corn in Mexico. In 2013, a Mexican federal court issued a decision forbidding the government from awarding any permits to multinational companies to plant GMO seeds pending the resolution of a class-action suit seeking a permanent ban. A second federal court upheld the ban in 2014 ([SourceMex, Sept. 3, 2014](#)).

The 2014 ruling prohibiting the planting of altered corn was the second decision involving GMO seeds in that year. In April 2014, a federal court ordered the federal government to rescind a permit to plant genetically engineered soy plants in Campeche state. In issuing the landmark decision, the Juzgado Segundo de Distrito ruled that the government violated the constitutional rights of three Mayan communities ([SourceMex, April 16, 2014](#)).

The court (El Juzgado XII de Distrito en Materia Civil del Primer Circuito) did not offer an explanation for its decision to overturn the GMO ban. However, the rulings in 2013 and 2014 had been the subject of at least 93 appeals, either by the seed companies or by AgroBIO México, an umbrella group for the seed producers, which include multinational firms Monsanto, Syngenta, Dow AgroSciences, and DuPont Pioneer. AgroBIO México president Ricardo Guimaraes, who also heads the Mexican affiliate of the multinational company Dow AgroSciences, told reporters that the decision "supports the rule of law."

"The ruling by the court seems very clear," Rodrigo Ojeda, a legal representative for Monsanto in Mexico, told CNNExpansión. "It establishes that the plaintiffs did not provide proof of the existence of damage."

Guimaraes, who also noted that plants grown with GMO seeds "provide economic and environmental benefits," expressed confidence that the Secretaria de Agricultura, Ganadería, Desarrollo Rural, Pesca y Alimentación (SAGARPA) and the Secretaria Medio Ambiente y Recursos Naturales (SEMARNAT) would soon begin issuing permits for planting GMO corn.

Ruling not effective until appeal heard

The court's decision, however, does not automatically open the door for the government agencies to start issuing permits for GMO corn. The court said the permits would not be allowed until the courts resolve an appeal filed by the coalition Acción Colectiva del Maíz, also known as Colectividad del Maíz. The members of the coalition include the Centro de Derechos Humanos Fray Francisco de Vitoria, the Asociación Nacional de Empresas Comercializadoras de Productores del Campo (ANEC), Vía Orgánica, and Semillas de Vida.

"We do not know what was behind the decision by the courts," said René Sánchez Galindo, an attorney for the coalition. "I can assure you that, as of this moment, the planting of GMO corn remains suspended."

Among those opposed to planting GMO corn are restaurants that make extensive use of native corn varieties in their menus. "The fact that a judge, without justification, would revoke the ban is a very serious matter," chef Enrique Olvera, owner of the renowned restaurant Pujol, said in an interview with CNNExpansión. "This puts at risk our cultural diversity and the diversity of the ingredients we use [in our cuisine]."

Coalition leader Adelita San Vicente, who heads Semillas de Vida, pointed out that the court made the ruling without fully addressing the arguments of opponents of GMO seeds and the scientific proof that was presented regarding the potential damage to native varieties.

"If you open up the planting of GMO corn in our country, the damage would be irreversible because the fields would become contaminated with altered seeds very quickly," said San Vicente. "The proof is available in studies that our government conducted."

Critics say court ignored scientific evidence

"There was no consideration of the arguments made by producers or the science that was presented," said geneticist Elena Álvarez-Buylla, a researcher at the Instituto de Ecología, which is affiliated with the Universidad Nacional Autónoma de México (UNAM). "The only evidence that was taken into account was presented by a few scientists who are working with the seed companies. This is a judge who is working on behalf of those interests."

Greenpeace México also raised concerns about the ruling. "This decision puts at risk our human right to a healthy environment, the more than 600 culinary dishes that use Mexican corn, the 59 varieties of corn and the thousands of variations that exist in Mexico, which is the home of a broad genetic diversity," the environmental organization said on its Web site. "The genetic contamination and the impossibility for native varieties and altered seeds to coexist have been proven by a number of studies."

In addition to the threat to Mexican corn, Greenpeace México cited concerns that the ruling could open the door for multinational companies to gain control of the marketing of seeds in Mexico. "The authorization of altered seeds would promote social injustice, since this would strengthen the corporate control over the sale and marketing of seeds," said the environmental organization. "Furthermore, the move could generate increased dependence on the use of agrochemicals instead of favoring the sustainable use of natural resources. This would put at risk the quality of agricultural products and the people handling them."

As an example, the environmental organization cited the herbicide glyphosate, which is widely used in GMO seeds. "It has been reclassified as a probable carcinogen by the World Health Organization (WHO)," said Greenpeace México.

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