



Food and Agriculture  
Organization of the  
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**The International Treaty**  
ON PLANT GENETIC RESOURCES  
FOR FOOD AND AGRICULTURE

**Views, Experiences and Best Practices as an example of possible options for  
the national implementation of Article 9 of the International Treaty**

*Note by the Secretary*

*At its [second meeting](#) of the Ad hoc Technical Expert Group on Farmers' Rights (AHTEG), the Expert Group agreed on a revised version of the [template](#) for collecting information on examples of national measures, best practices and lessons learned from the realization of Farmers' Rights*

*This document presents the updated information on best practices and measures of implementing Article 9 of the International Treaty submitted by African Centre for Biodiversity (ACB) on 19 January 2021.*

*The submission is presented in the form and language in which it was received.*



## Template for submission of

### Measures, Best Practices and Lessons Learned from the Realization of Farmers' Rights as set out in Article 9 of the International Treaty

#### Basic information

- Title of measure/practice

Presidential Decree

- Date of submission

19th January 2021

- Name(s) of country/countries in which the measure/practice is taking place

Mexico

- Responsible institution/organization (name, address, website (if applicable), e-mail address, telephone number(s) and contact person)

Even though the Decree has not specifically mentioned the structures – the Decree mentions these institutions;

- Secretariats of the Environment and Natural Resources, Health and Agriculture and Rural Development,
- National Council of Science and Technology,
- Biosafety Authorities

- Type of institution/organization (categories)

Government institution

- Collaborating/supporting institutions/organizations/actors, if applicable (name, address, website (if applicable), e-mail address, telephone number(s))

#### Description of the examples

##### Mandatory information:<sup>1</sup>

- Short summary to be put in the inventory (max. 200 words)

In January 1<sup>st</sup> of 2021, a Presidential Decree in Mexico went into effect to phase out glyphosate and also obliges biosafety authorities to “revoke and refrain” from granting permits for the release into the environment of GM maize seeds to protect food security and food sovereignty, native corn, traditional cornfields (“milpas”) and the country’s biocultural wealth. Article 1 states the purpose of the Decree with Articles 5 and 6 revoking existing and future permits for genetically modified corn cultivation and consumption. At the moment the Decree does not mention implementing authorities, but reference is

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<sup>1</sup> This mandatory information is required in order for the measure/practice to be included in the Inventory.



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made to the: Secretaries of Environment and Natural Resources, Health and Agriculture and Rural Development, National Council of Science and Technology and Biosafety Authorities.

- Brief history (including starting year), as appropriate

In January 1<sup>st</sup> of 2021, a Presidential Decree in Mexico went into effect to phase out the ‘use, acquisition, distribution, promotion, and import’ of glyphosate. The Decree establishes a transition period until January 2024 to replace glyphosate with sustainable, culturally appropriate alternatives to “safeguard human health, the country’s bio-cultural diversity, and the environment”. The Decree first published on December 31 2020 cites protection of native corn varieties, biocultural wealth, rural communities, gastronomic heritage and the health of Mexicans as primary reasoning.

*When it comes to matters of Plant Genetic Resources for Food and Agriculture (PGRFA) and farmers’ rights*, the Decree also obliges biosafety authorities to “revoke and refrain” from granting permits for the release into the environment of GM maize seeds to protect food security and food sovereignty, native corn, traditional cornfields (“milpas”) and the country’s biocultural wealth. Likewise, the biosafety authorities are to “revoke and refrain” from granting authorisations for the use of GM maize in food, with the phase out to be completed no later than 31 January 2024.

- Core components of the measure/practice (max 200 words)

Article 1 states the purpose of the Decree with Articles 5 and 6 revoking existing and future permits for genetically modified corn cultivation and consumption.

Article 5 of the Decree states, *‘The Secretariats of the Environment and Natural Resources, of Health, and of Agriculture and Rural Development, as well as the National Council of Science and Technology, no later than the first semester of the year 2023, will promote the reforms of the regulations applicable to laws to avoid the use of glyphosate as an active substance in agrochemicals and **genetically modified corn in Mexico**’*.

Article 6 of the Presidential Decree further states, *“With the purpose of contributing to food security and sovereignty and as a special measure of protection to native corn, the milpa, the biocultural wealth, the peasant communities, the gastronomic heritage and the health of Mexican women and men, the biosafety authorities within the scope of their competence, in accordance with the applicable regulations, will revoke and refrain from granting permits for the release into the environment of genetically modified corn seeds”*. Article 6 further goes to state that biosafety authorities are to refrain and revoke authorisations for use of genetically corn grain in the diet of Mexican women and men.

- Description of the context and the history of the measure/practice is taking place (political, legal and economic framework conditions for the measure/practice) (max 200 words)

Mexico’s the centre of origin and diversity for maize and the world’s largest, most diverse, and oldest living genetic resource for corn. Nearly sixty landraces grow in Mexico, and for centuries, farmers have maintained this biodiversity on *milpas*, small plots with a variety of corn plants, beans and squash. In 2009, changes to Mexico’s biosafety law allowed biotech crop developers for the first time to experiment with GMO corn trials in approved regions of Mexico. Since then, dozens of pilot permits have tested GMO corn strains for their tolerance to herbicides as well as resistance to insects and drought. Over the years, there have been concerns years in the country raised on the impact



of genetically modified maize on local varieties. Mexico also imports from the USA GM corn mainly for animal feed. There have been political processes in the past that have shaped the current decision for the Presidential Decree which include a de facto Moratorium on GMO corn seeds and *Colectividad del Maiz* (2013) which sought orders to stop the Mexican government from authorising permits to plant GMO corn and temporarily halt any new GMO permits respectively. The *Colectividad del Maiz* lawsuit has run for 6 years until coming into effect of the current Presidential Decree.

- To which provision(s) of Article 9 of the International Treaty does this measure relate

Art. 9.1    X

Art. 9.2a   X

Art. 9.2b  

Art. 9.2c   X

Art. 9.3    X

**Other information, if applicable**

- Please indicate which category of the Inventory is most relevant for the proposed measure, and which other categories are also relevant (if any):

No.	Category	Most relevant <sup>2</sup>	Also relevant <sup>3</sup>
1	Recognition of local and indigenous communities', farmers' contributions to conservation and sustainable use of PGRFA, such as awards and recognition of custodian/guardian farmers		X
2	Financial contributions to support farmers conservation and sustainable use of PGRFA such as contributions to benefit-sharing funds		
3	Approaches to encourage income-generating activities to support farmers' conservation and sustainable use of PGRFA		
4	Catalogues, registries and other forms of documentation of PGRFA and protection of traditional knowledge		
5	In-situ/on-farm conservation and management of PGRFA, such as social and cultural measures, community biodiversity management and conservation sites		X

<sup>2</sup> Please select only one category that is most relevant, under which the measure will be listed.

<sup>3</sup> Please select one or several categories that may also be relevant (if applicable).



6	Facilitation of farmers’ access to a diversity of PGRFA through community seed banks <sup>4</sup> , seed networks and other measures improving farmers’ choices of a wider diversity of PGRFA.		
7	Participatory approaches to research on PGRFA, including characterization and evaluation, participatory plant breeding and variety selection		
8	Farmers’ participation in decision-making at local, national and sub-regional, regional and international levels		X
9	Training, capacity development and public awareness creation		
10	Legal measures for the implementation of Farmers’ Rights, such as legislative measures related to PGRFA.	X	
11	Other measures / practices	X	

- In case you selected ‘other measures’, would you like to suggest a description of this measure, e.g. as a possible new category? Protection of the centre of origin and centre of diversity of PGRFA
- Objective(s)

Protection of food security and food sovereignty, native corn, traditional cornfield (“milpas”) and the country’s biocultural wealth.

In relation to PGRFA and specifically corn, the Decree according to Articles 5 and 6 obliges the biosafety authorities to ‘revoke and refrain’ from granting permits for the into the environment of GM maize seeds, to protect food security and food sovereignty, native corn, traditional cornfield (“milpas”) and the county’s biocultural wealth. Likewise, the biosafety authorities are to “revoke and refrain” from granting authorisations for the use of GM maize in food, with the phase out to be completed no later than 31 January 2024.

- Target group(s) and numbers of involved and affected farmers<sup>5</sup>

It is perceived that this Decree will protect more than two million small-scale farmers who are the custodians and guardians of biodiversity.

- Location(s) and geographical outreach

Mexico – National

- Resources used for implementation of the measure/practice

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<sup>4</sup> Including seed houses.

<sup>5</sup> Any classification, e.g. of the types of farmer addressed, may be country-specific.



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- How has the measure/practice affected the conservation and sustainable use of plant genetic resources for food and agriculture?

The Presidential Decree only came into effect in January 2021 and thus we are yet to see the impact on conservation and sustainable use of plant genetic resources for food and agriculture. Since economic reforms, there have been economic displacement of small-scale farmers through eliminating farmer support and protective corn tariffs in 1988, and thus this currently needs to shift to include public support for research focused on landrace corn and the more than two million small-scale farmers as these farmers are the guardians of biodiversity. Support could include subsidies, technical assistance, and rural economic development.

- Please describe the achievements of the measure/ practice so far (including quantification) (max 200 words)

Previously the de facto Moratorium, the *Colectividad Demande* and the *Colectividad del Maiz* have restricted GMO corn experiments and sought court orders to stop the Mexican government from authorizing permits to plant GMO corn but also restrict new permits – as limitations under the country’s Biosafety law. Thus, the Presidential Decree is important as it prevents contamination and loss of genetic diversity in corn landraces from GMOs – which was confirmed to have taken place between 2002-2007 as a result of unauthorised release of GMO corn in 2001. It also helps to uphold legal rights including human rights as well as extensive interests in conservation, sustainable use and participation in the biodiversity of landrace corn. Ultimately, there will be protection of native corn, and “milpas”.

- Other national level instruments that are linked to the measure/practice

Organic Law of the Federal Public Administration

General Health Law

Biosafety Law of Mexico – *Ley de Bioseguridad de Organismos Genéticamente Modificados* (LBOGM) .

- Are you aware of any other international agreements or programs that are relevant for this measure/practice?

Cartagena Protocol for Biosafety

Convention for Biological Diversity

- Other issues you wish to address, that have not yet been covered, to describe the measure/practice

The preamble of the Decree takes note of the Precautionary Principle of the Convention for Biological Diversity, and Cartagena Protocol on Biosafety.

The Decree also emphasises on the objective of achieving self-sufficiency and food sovereignty, and orienting the country towards establishing a sustainable and culturally adequate agricultural production, through the use of agroecological practices and inputs that are safe for human health, the country’s biocultural diversity and the environment, as well as congruent with the agricultural traditions of Mexico.



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Recognises the importance of participatory research by public institutions that foster dialogue between researchers, farmers and peasant communities including indigenous and local communities in order to be part of the design of successful transition strategies that are sustainable— also in accordance to Sustainable Development Goals of 2030.

### **Lessons learned**

- Describe lessons learned which may be relevant for others who wish to do the same or similar measures/practices (max 250 words).
- What challenges encountered along the way (if applicable) (max 200 words)
- What would you consider conditions for success, if others should seek to carry out such a measure or organize such an activity? (max 100 words)

### **Further information**

- Link(s) to further information about the measure/practice

Link to Presidential Decree

[https://www.dof.gob.mx/nota\\_detalle.php?codigo=5609365&fecha=31/12/2020](https://www.dof.gob.mx/nota_detalle.php?codigo=5609365&fecha=31/12/2020)

[https://apps.fas.usda.gov/newgainapi/api/Report/DownloadReportByFileName?fileName=Mexico%20Publishes%20Decree%20to%20Ban%20Glyphosate%20and%20GE%20Corn\\_Mexico%20City\\_Mexico\\_01-06-2021](https://apps.fas.usda.gov/newgainapi/api/Report/DownloadReportByFileName?fileName=Mexico%20Publishes%20Decree%20to%20Ban%20Glyphosate%20and%20GE%20Corn_Mexico%20City_Mexico_01-06-2021)

Other links

<https://www.realagriculture.com/2021/01/mexico-to-ban-gm-corn-by-2024/>

Hernandez-Lopez, E. 2020. GMO Corn, Mexico, and Coloniality

[https://www.researchgate.net/publication/342448777\\_GMO\\_Corn\\_Mexico\\_and\\_Coloniality](https://www.researchgate.net/publication/342448777_GMO_Corn_Mexico_and_Coloniality)

Hernandez-Lopez, E. 2020. GMO Corn in Mexico: Precaution as Law's Decolonial Option

[https://www.researchgate.net/publication/347147461\\_GMO\\_Corn\\_in\\_Mexico\\_Precaution\\_as\\_Law's\\_Dcolonial\\_Option](https://www.researchgate.net/publication/347147461_GMO_Corn_in_Mexico_Precaution_as_Law's_Dcolonial_Option)

Genetically Modified Food in North America

[https://en.wikipedia.org/wiki/Genetically\\_modified\\_food\\_in\\_North\\_America](https://en.wikipedia.org/wiki/Genetically_modified_food_in_North_America)

France 24, 2020. Campaigners hail Mexican ban on genetically modified corn

<https://www.france24.com/en/live-news/20210107-campaigners-hail-mexican-ban-on-genetically-modified-corn>

SciDevNet,2004. Warning issued on GM maize imported to Mexico

<https://www.scidev.net/global/news/warning-issued-on-gm-maize-imported-to-mexico/>

SciDevNet,2003. GM Maize found 'contaminating' wild strains <https://www.scidev.net/global/news/gm-maize-found-contaminating-wild-strains/>