

Federal Law for the Promotion and Protection of Native Corn

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On April 13, 2020, Mexican President –Andrés Manuel López Obrador– published the “Decree issuing the Federal Law for the Promotion and Protection of Native Corn” on the Federal Gazette (“**Law**” or “**Decree**”). This Law is of public order, social interest and must be observed in all the Country.

The Law recognizes as Cultural Manifestations¹ the production, commercialization, consumption, and constant diversification of Native Corn² and sets forth the Government’s obligation to protect these activities to ensure the human right to an adequate level of nourishment and the promotion of an informed consumption of Native Corn and Constant Diversification³ thereof.

Creation of the National Council on Native Corn

The Law orders the creation of the National Council on Native Corn (“**CONAM**” following its acronym in Spanish), which will be an advisory organ to the Executive Branch on matters related to the protection of Native Corn and its Constant Diversification. Said organ shall be conformed by 17 members, whose positions will last 3 years and who may be re-appointed once. All members will have the right to vote and issue their opinions and shall meet in an ordinary assembly at least every four months.

CONAM will be conformed by: **i)** the President, **ii)** the Secretary of Agriculture and Rural Development (“**SADER**”), **iii)** the Secretary of the Environment and Natural Resources (“**SEMARNAT**”), **iv)** the Secretary of Culture **v)** the head of the National Institute for Indigenous People, **vi)** three members appointed by the civil society who shall be persons related to the agro-alimentary industry, **vii)** three members appointed by rural or

¹ Pursuant to article 3 of the General Law of Culture: “Cultural Manifestations” are defined as essential material and immaterial elements, both past and current, related to history, art, traditions, practices and knowledge that serve to identify certain groups, people and communities. Such elements should be recognized by people, as individuals or part of a collective group, as their own due to the value and significance for their identity, growth, integrity and cultural dignity, and that, additionally, these individuals have a right to access, participate, practice and enjoy in an active and creative manner.

² Pursuant to section VII of Article 2 of the Decree, “Native Corn” is defined as the species of the taxonomic group *Zea mays* subspecies *mays* that indigenous people, peasants and farmers have cultivated and are cultivating, from seeds selected by themselves, obtained through exchange and in constant evolution and diversification. These seeds will be identified by the National Commission for the Knowledge and Use of Biodiversity.

³ Pursuant to section III of article 2 of the Decree, the term “Constant Diversification” is defined as the process of continuous domestication that employs native agricultural techniques, that for millennia has allowed a genetic diversity with several variants of corn size, texture, color and seed color; with an adaptability to a wide range of climate conditions and a versatility in its use.

agricultural communities (*ejidos*), **viii**) three members appointed by indigenous communities, and **ix**) three members appointed by the academia.

CONAM's authority:

CONAM will have the authority to:

- I.** Issue its opinion on the design, plan and definition of public policies on the promotion and protection of Native Corn and Constant Diversification thereof;
- II.** Review and, if necessary, issue an opinion on the modification of Native Corn seeds programs;
- III.** Issue its opinion concerning the authorization and supervision of the Native Corn Seed Banks;
- IV.** Issue its opinion on proposals and consultation mechanisms, research and studies related to Native Corn, and;
- V.** Promote research and knowledge dissemination about Native Corn and its production, commercialization, consumption and other related Cultural Manifestations.

These faculties are of an honorary nature and, therefore, none of CONAM members will receive any payment, remuneration or compensation for their participation therein.

Finally, the Law sets forth that the Government has the obligation to guarantee *In Situ* conservation of Native Corn seeds. To comply with this obligation, SADER, SEMARNAT and CONAM will have to identify geographical areas in which traditional systems of Native Corn Breed production are and have been practiced and thus, establish the necessary measures to promote the sustainability of such production systems. Likewise, Government shall promote the creation of Community Banks of Native Corn Seeds by rural or agricultural communities that shall be incorporated taking into account their internal regulations and customs.

Transitory Articles

The Law sets forth the following:

- I.** The Law will become effective the day after its publication;
- II.** The President will have 90 days after the enforcement of the Law to issue general provisions for the integration and operation of CONAM;
- III.** CONAM must be installed within 30 days following the appointment of its members;
- IV.** SADER shall review and, where necessary, amend existing seed programs to comply with the Law in compliance with the Federal Law of Production, Certification and Seed Trading;
- V.** The Congress, within a period not exceeding 365 days after the publication of the Decree, shall amend the necessary laws to comply with the object of the Law, and
- VI.** The obligations generated by the entry into force of the Decree shall be subject to budget availability and, therefore, no additional resources will be authorized for this purpose.

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