



Memo n° 11 Angélica Ek Canché and Feliciano Ucán Poot

GMO soya, Mexico

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TRANSGENIC SOYBEAN PLANTING IN HOPELCHÉN, CAMPECHE, MEXICO

Feliciano Ucán Poot and Angelica Ek are members of the Mayan people in Hopelchén, in the state of Campeche, Mexico. In 2012, along with beekeeping organizations and Mayan communities, they filed a lawsuit against the Mexican government for granting the company Canché Monsanto permission to commercially plant glyphosate herbicide-resistant GM soy. The arguments put forward included violations of a range of Mayan people's rights in the state of Campeche: labour law rights due the effect on beekeeping; the right to a healthy environment; the right to free, prior and informed consent.

The case reached the second chamber of the Supreme Court of Justice (SCJ), and in November 2015 it ruled, among other things, that the release of GM soybean plants which were resistant to glyphosate herbicide could cause a **significant impact** on the environment in which indigenous communities are found, due to the possibility of changes to biodiversity, animal and plant health. They referred to the classification of the World Health Organisation (WHO), which in March 2015 stated that glyphosate was "likely carcinogenic" in humans, ranking it in Group 2A instead of 2B.

Given the above, those responsible for having granted permission to Monsanto, the Ministries of Agriculture, Livestock, Rural Development, Fisheries and Food (SAGARPA), together with the Environment and Natural Resources (SEMARNAT), were obliged to seek prior consent from the indigenous communities affected and yet, they did not. It was then that the Supreme Court ruled there could be no legal planting of GM soy until such time as the National Commission for the Development of Indigenous Peoples (CDI) and the Interministerial Commission on the Biosecurity of GMOs (CIBIOGEM) consult with the indigenous communities who filed the lawsuit.

Since the end of March 2016, consultations have been carried out with communities in the municipalities of Hopelchén and Tenabo, Campeche, although there have been many shortcomings and violations of international standards in terms of what constitutes consultation with indigenous peoples and communities.

It must be stated that the second chamber of the Supreme Court failed to analyse the issue in depth, leaving aside violations of the right to work, health, a healthy environment, and application of the precautionary principle. Neither did it address the issue of compensation for damage already done to the Mayan communities and the effects, which

are listed below. From a sociocultural perspective, this also includes the planting of glyphosate herbicide-resistant GM soybeans in the Yucatan Peninsula, Mexico.

Among the various affectations to the Mayan communities are the following:

1. The presence of GM pollen in our honey threatens honey exports to the European market, our main export partners. This is because European honey consumers want GM-free products, as is set out in our trade contracts. In the Yucatan Peninsula there are about 15,000 Mayan beekeepers for whom this is their main business activity. 80% of the honey produced in the Peninsula is for export.
2. The use of glyphosate herbicide and other related insecticides related to GM soy have increased in the past few years. Especially concerning is the alarming increase in fumigations since 2012, in the municipality of Hopelchén, Campeche. There are Mayan communities in the municipality that are periodically fumigated in areas very close to their homes and urban areas, endangering the health of entire populations. These fumigations, both land and air, are affecting human health, wildlife and beekeeping, as there has been an increase in bee mortality and a reduction in their population, resulting in a decrease in production of honey and, therefore, lower income for the Mayan peasant families. There have also been increased reports of damage to Mayan corn and pumpkin crops as a result of spraying glyphosate on land with GM soy.
3. Recent toxicological studies have detected the presence of glyphosate in the groundwater of the Yucatan Peninsula, but also in the urine of residents from two communities Hopelchén (Suc-Tuc and Ich-Ek) and the drinking water wells of six communities in the same municipality (Suc-Tuc, San Luis, Ich-Ek, Sahcabchén, J. Mugica, Xmabén). Glyphosate levels found in water exceed more than 25 times the limit set by European standards. It is presumed that this water pollution is largely due to the drilling of absorption wells in areas for planting GM soybeans.
- 4) The rate of deforestation in the state of Campeche is dramatic. Only between 2012 and 2014 the agricultural border grew by 18,500 hectares, i.e. these hectares were deforested. Between 2005 and 2015, more than 59,000 hectares of Hopelchén

forests were lost, many of which are currently used for growing soybeans. The Hopelchén municipality has the highest rate of deforestation in the country.

For the reasons stated above we have a particular interest in being participants in the trial against Monsanto, which will take place in the city of The Hague, the Netherlands on 15th and 16th October, where we hope to bear witness to the serious violations of our human rights, caused by the products the company grows and markets in our country.