

Venezuela Passes Law Banning GMOs, by Popular Demand

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The National Assembly of Venezuela, in its final session before a neoliberal dominated opposition takes the helm of legislative power on January 5, passed one of the most progressive seed laws in the world on December 23, 2015; it was promptly signed into law by President Nicolas Maduro. On December 29, during his television show, "[In Contact with Maduro, number 52](#)," Maduro [said](#) that the new seed law provides the conditions to produce food "under an agro-ecological model that respects the pacha mama (mother earth) and the right of our children to grow up healthy, eating healthy." The law is a victory for the international movements for agroecology and food sovereignty because it bans transgenic (GMO) seed while protecting local seed from privatization. The law is also a product of direct participatory democracy –the people as legislator– in Venezuela, because it was hammered out through a deliberative partnership between members of the country's National Assembly and a broad-based grassroots coalition of eco-socialist, peasant, and agroecological oriented organizations and institutions. This essay provides an overview of the phenomenon of people as legislator, a summary of the new Seed Law, and an appendix with an unofficial translation of some of the articles of the law.

The People as Legislator of Seed Policy

The Legal Basis

The Seed Law is a glowing example of the legal personality of popular power (poder popular) at work in Venezuela, the people as legislator. As Article 5 of the Constitution of the Bolivarian Republic of Venezuela indicates, "Sovereignty resides intransferable in the people, who exercise it directly as provided for in this Constitution and in the law, and indirectly, through suffrage" An example of the direct legislative powers of citizens is found in Article 204, no. 7 of the Constitution which specifically names citizens as potential legislators, should they organize a petition of at least one percent of the registered voters (see also Article 205). There are also numerous references to the legislative power of communal structures in the organic Laws of Popular Power (Poder Popular) passed in 2009 and 2010.



Farmer, Cooperativa Aracal in the State of Yaracuy.
Credit: Fred Mills

Venezuela's seed policy had been based on an earlier 2002 Seed Law that was passed in a highly polarized political environment, just months after a short-lived coup against then President Hugo Chavez and just weeks prior to an opposition-led strike and sabotage of the oil industry. That law was superseded in April of 2004, when after halting a project to plant Monsanto's transgenic soybeans on 500,000 acres of land, then [President Hugo Chavez declared](#), "The people of the United States, of Latin America, and the world, need to follow the example of Venezuela free of transgenics." This declaration constituted a virtual ban of transgenics. It was also consistent with the government's emphasis on endogenous development. Endogenous development, as [Christina Schiavoni and William Camacaro describe it](#), means development from within:

[Endogenous development] implies first looking inside, not outside, to meet the country's needs, building upon Venezuela's own unique assets. This means valuing the agricultural knowledge and experience of women, Indigenous, Afro-descendants, and other typically marginalized campesino (peasant farming) populations as fundamental to Venezuela's food sovereignty. This also means preserving Venezuela's native seeds, traditional farming methods, and culinary practices.

Such endogenous development received further support when in June 2012, Chavez made the Country Plan (2013 - 2019) his presidential campaign platform. The Plan, which is now the law of the land, includes among its five major objectives, "the construction of an eco-socialist economic model of

production based on a harmonic relationship between humans and nature that guarantees the rational and optimal use of natural resources, respecting the processes and cycles of nature.” The Plan also prioritizes the expansion of agricultural production, but only in a way that advances the goal of food sovereignty (1.4) and accelerates democratic access to the necessary resources for sustainable agricultural production (1.4.2).

Chronology of the People as Legislator of Seed Policy

The blog of Eco-Socialist Space of Popular Power (CDR-SUR) provides a detailed chronology of the popular struggle for input and impact on the new Seed Law. In [“The Process of the Collective Construction of the New Seed Law in Venezuela,”](#) CDR-SUR indicates that the people as legislator of seed policy first emerged in response to a notice by the legislative branch of government in mid-2012 that the National Assembly would be considering a substantial revision of the 2002 Seed Law. Since a transgenic and big agribusiness lobby had been at work trying to influence seed policy, it was also time for eco-socialists and other ecological movements to weigh in on the issue.

In response to the Assembly’s notice, several hundred social and ecological organizations organized the “International Meeting of Guardians of Seeds” in Monte Carmelo (October 26 – 29, 2012), in the State of Lara, in order to draft measures for consideration by the National Assembly that would unequivocally ban transgenic seed and protect Indigenous, Afro-descendant and peasant seed from privatization. More than 1000 persons, 116 organizations, and 162 institutions participated in the grassroots (popular) deliberations (CDR-SUR).

While the idea of the people as legislator is grounded in the Constitution and the organic laws of popular power, it took some public pressure on the National Assembly and government ministries (called Ministries of Popular Power!) for this legislative voice to be heard and taken into account. In March of 2013, while the relevant legislative committees and government ministries were holding hearings on the Seed Law Project, the “Venezuela Free of Transgenics Campaign” (VFTC) lobbied unsuccessfully for inclusion in the initial phase of debate. The ecological movement, undeterred, organized the Venezuela Free of Transgenics Open Seminar at the Bolivarian University of Venezuela in March of 2013 which sponsored periodic forums on the debate over seed policy.

On May 25, 2013, the VFTC collected signatures at a national mobilization held in the Plaza de Los Museos in Caracas, to petition the National Assembly to include the coalition’s voice as a legislative partner in the Seed Law deliberations (CDR-SUR). The next day, according to CDR-SUR, Alfredo Ureña, a deputy of the National Assembly and president of the Permanent Subcommittee on Agro-Food Development, formulated an action plan to ensure that the Seed Law would be anti-transgenic.

In June of 2013, the VFTC stepped up its organizing and education efforts. These efforts included, as part of the Fourth Venezuelan Congress on Biological Diversity (June 28), a workshop on the “collective construction of a Seed Law proposal” (CDR-SUR). This collective effort produced documents directly relevant to the legislative deliberations on the Seed Law.

On October 21, 2013, as documented by William Camacaro and Frederick B. Mills in [Venezuela and the Battle against Transgenic Seeds](#) (December 6, 2013), the VFTC mobilized in front of the National Assembly to prevent the advance of a Seed Law proposal

because it contained stealth provisions that would have opened the door to transgenic seed and possibly allow the privatization of locally shared “free” seeds. This was a critical turning point in the eco-socialist struggle to influence the nation’s seed policy. As CDR-SUR points out, on October 22, in a meeting between the VFTC and legislators involved in drafting the Seed Law, it was agreed that there would be popular participation in the construction of the Seed Law, referred to as the Popular Constituent Debate on the New Seed Law.

According to CDR-SUR, “The Popular Constituent Debate convened on the 28 and 29 of October in Monte Carmelo, Sanare in the State of Lara on the occasion of the Day of Peasant Seed (Semilla Campesina).” It was here that a consensus was hammered out by a large variety of agroecological organizations on the basic objectives of the Seed Law.

As a follow up to this conference in Monte Carmelo, “the second round of discussion [by 135 peasant collectives and educators] took place in the City of Naguanagua in the State of Carabobo from November 1 to 3, 2013” (CDR-SUR). The focus of this round was in large part to determine the procedures of popular debate to ensure that the final product was indeed a result of collective deliberation in concert with key legislators of the National Assembly. These procedures were to ensure the practice of inclusion, public dissemination of information, and the constitutionally grounded praxis of the people as legislator.

The third round of discussion was held at the Latin American Institute of Agroecology Paulo Freire (IALA) in Barinas state on November 22, 2013. During this round the Popular Constituent Debate constructed a proposed preamble, objectives, and structure for the proposed law. It was agreed that the Popular Constituent Debate would meet two more times in the states of Aragua and Merida.

After the last round of Popular Constituent Debate on the New Seed Law, the members of the Popular Movement for the New Seed Law and the National Assembly set up a work group to construct the consensus draft of the law and it is this version that entered into the first of the two required discussions by the National Assembly. On October 14, 2014 the proposed Seed Law was approved by the first discussion, one of two discussions normally required prior to the passage of a proposed bill.

During 2015, workshops were set up to review the proposed seed law before the final discussion; these workshops included members of the National Assembly, the Venezuela Free of Transgenics Campaign, and several government ministries. Through the workshops, several additional mechanisms were built into the law. These included a means for popular control over seeds by means of the recognition of the Popular Council for the Storage and Protection of Local, Peasant, Indigenous, and Afro-descendant Seed, as well as a recognition of the government’s role in licensing free seed and thereby protecting it from patents or other forms of privatization.

In “[Venezuela to Consider Ban on Transgenic Seed](#)” (June 8, 2015), Camacaro and Mills discuss the consensus reached by the collective efforts of the agroecological movement with regard to seed policy. In short, the popular version of the Seed Law proposal (June 2015) was constructed over a two year period of collective deliberation by a broad coalition of agroecological oriented organizations and movements. On December 26, 2015, [The Popular Movement for the New Seed Law](#) issued a celebratory statement declaring:

This 22 of December, with the approval of the new Seed Law by the National Assembly, we close the legislative cycle of popular constituent debate and

collective deliberation that we initiated more than two years ago. The product of our struggle is a law that has no precedent anywhere in the world in terms of both its emancipatory content and the way it has been made possible by the protagonistic participation of the People as Legislator.

The Seed Law was also endorsed, “after ample discussion,” by the Presidential Council of Communes. [A statement issued by the Council on June 3 reads:](#)

“From the diverse voices of the Presidential Council of Popular Government of the Communes, the comuneros (members of communes) of the country solicit the prompt approval, in the second discussion [by the National Assembly], of the Seed Law . . . The Seed Law, constructed collectively from the grassroots, is anti-transgenic and makes us advance significantly towards the recovery and consolidation of local, peasant, Indigenous and Afro-descendant seeds. Moreover we are speaking about a proposed Seed Law, profoundly anti-imperialist and ecosocialist, that incarnates the legacy of the Leader of the Bolivarian Revolution, Hugo Chavez, at a moment in which the transnationals of agribusiness aim at privatizing seed and life.”The people as legislator, then, consisting of both the nationwide agroecological movements as well as the highest level of communal representation, made full use of their constitutionally grounded constituent power to partner with the liberal democratic state to forge the nation’s seed policy.

Summary of the Seed Law

The new Seed Law is inspired by the eco-socialist movement in Venezuela and the worldwide peasant movement [La Via Campesina](#) and is informed by the Indigenous philosophy of *vivir bien* (living well). As President of Bolivia, Evo Morales Ayma explains:

Vivir Bien well is to live in equality and justice. It is where there is no exploited and no exploiters, where there are no excluded and no persons who exclude others, where there are no marginalized persons and no persons who marginalize others. Vivir Bien is to live in community, in collectivity, in reciprocity, in solidarity, and, most important, in complementarity. (note 2)

The Seed Law contributes to *vivir bien* and advances eco-socialist principles by promoting small- and medium-scale farming using agroecological methods rather than monoculture that depends heavily on environmentally harmful chemical interventions. Moreover, it prioritizes the collective interest in the farming community’s control of the means of production, distribution and consumption of food. This law bans transgenic seeds and thereby avoids the political capture of seed policy by the corporate interests of transnational big agriculture while promoting and protecting the heirloom seeds and farming methods of Venezuela’s Indigenous, peasant, and Afro-descendant communities. Traditional seeds (*semillas campesinas*) will be immune to patents and privatization and come under the control of the communities that share them. The seed is considered a living thing, and as such is not only an object at hand for use in agriculture, but a subject that is entitled to certain rights and protections. These rights, combined with the philosophy of *vivir bien* and eco-socialist principles, form the ethical and legal basis for the development of food sovereignty and food security and of resistance to transnational corporate capture of the nation’s agricultural policy.

The law is consistent with Article 127 of the Constitution of the Bolivarian Republic of Venezuela: “The genome of living things cannot be patented, and the law that refers to bio-

ethical principles regulates the matter.” It is also consistent with the Country Plan 2013-2019 that declares one of the “great historic objectives” to “construct an eco-socialist economic model of production, based on the harmonious relation between man and nature, that guarantees the use and rational and optimal utilization of vital natural resources.” (p. 19-20).

In closing, with the passage of the Seed Law, history is being made in Venezuela. Not only is the law extraordinary in and of itself, both for its content and the for the highly participatory way in which it was developed, but the fact that it was passed at this very moment, in the face of adverse circumstances both globally and nationally, is all the more extraordinary. Globally, national seed legislation is increasingly being co-opted by corporate agribusiness interests, with many governments turning a blind eye, or worse, actively colluding in the process, as has been powerfully [documented by GRAIN and La Via Campesina](#). Nationally, Venezuela’s food system has been under attack by, among other things, an “[economic war](#)” being waged by some elements of the opposition, resulting in food shortages that played a definitive role in influencing the recent elections. The economic war has shown that, despite [important advancements made toward food sovereignty](#), i.e., toward greater national and local popular control over the food system, since the inception of Venezuela’s Bolivarian Revolution, much work remains to be done to achieve a food system that is truly equitable, sustainable, and under the firm control of the people, in partnership with the government. The people, however, are clearly determined, and they are not going to sit back passively and wait for this to happen, as we have seen with the major popular organizing and mobilizing efforts that ultimately led to the successful passage of the Seed Law.

The passage of the Seed Law thus marks a major step forward for food sovereignty in Venezuela, as well as a victory for the global food sovereignty movement, and a warning sign to corporate agribusiness. However, as they say in Venezuela, “la lucha sigue” – the struggle continues – and indeed the passage of the Seed Law is one step, albeit an important step, in a much longer process. As the popular movements who worked on the Law’s passage are already emphasizing, now is the time to disseminate it, defend it against likely backlash, and push forward its full implementation. While the Venezuelan people will remain the protagonists in this process, they are calling for international solidarity to defend what might arguably be the world’s most revolutionary seed law.

APPENDIX: Highlights of Several Articles of the Seed Law (unofficial translations)

Article 1 of the law summarizes its main features:

The present Law has as its objective to preserve, protect, and guarantee the production, propagation, conservation, and free circulation and use of seed, as well as the promotion, research, distribution, and commercialization of the same, based on a socialist agroecological vision, with the aim of consolidating our food security and sovereignty, prohibiting the release, the use, the propagation, and the entrance into the country and the national production of transgenic seeds as well as the patents and right of the breeder over the seed, in a manner that is sovereign, democratic, participatory, co-responsible and in solidarity, making special emphasis on the valorization of the Indigenous, afro-descendent, peasant and local seed, that benefits biodiversity and helps to preserve life on the planet in conformity with what is established in the Constitution of the Bolivarian Republic of Venezuela.

Article 2 lays out the goals of the law:

1. Promote the transition from conventional systems of production based on monoculture and the use of agrochemicals with agro-industrial and/or corporate seed for conventional use, to an agroecological system and the preservation of the environment in the short, medium and long term, based on agro-biodiversity.
2. Promote the production of seeds that are necessary to guarantee national production, with the goal of avoiding importation and achieving national sovereignty.
3. Promote the transition to communal and eco-socialist agriculture, in order to protect agro-biodiversity by means of the production of local, peasant, Indigenous, and Afro-descendant seed.
4. Revalorize and re-legitimize the local, traditional, and ancestral knowledge wisdom, beliefs and practices of the peasant, Indigenous, Afro-descendant, and other communities.
5. Prohibit the privatization of seed.
6. Orient the organization and planning of public policy in function of the different scales of production, distinguishing the policies intended for family agriculture or polyculture in small-scale production from the policies intended for big producers.

Article 3. Seed is recognized as a living thing and a constituent part of Mother Earth and for this reason it is considered an object as well as the subject of right and the application of norms pertaining to the preservation of life on the Planet and the conservation of biological diversity.

Article 4. The local peasant, Indigenous, and Afro-descendant seed is declared a common good of public, cultural as well as natural material and immaterial interest of the peoples; this seed is considered a contribution of our communities to the improvement of vegetable varieties and their propagation and preservation for a sustainable form of agriculture that constitutes the basis of our food and our culture.

Article 5. The production, importation, commercialization, distribution, release, use, propagation and entrance into the country of transgenic seed is prohibited. The National System of Seeds will develop and guarantee the technical, organizational, and institutional capacity to prevent, identify, detect, correct, return, and to sanction the violations of this prohibition.

One of the principle values of the law, expressed in Article 8, is that it “promotes, in a spirit of solidarity, the free exchange of seed and opposes the conversion of seed into intellectual or patented property or any other form of privatization.”

With regard to popular power (grassroots democracy), Article 9 provides that a Popular Council will be responsible for the storage, protection and regulation of Indigenous, Afro-descendant and peasant seed “with an emphasis on the exchange and local distribution of seed to guarantee our food sovereignty and the construction of an eco-socialist model of economic production.

Article 11 of the law also creates a National Seed Commission constituted by officials from several ministries related to agriculture, as well as representatives from both the Presidential Councils that deal with seed policy and the Popular Council for the storage and protection of local, Indigenous, peasant and Afro-descendant seed. This Commission will be responsible for planning and promoting seed policy as well as facilitating research, development, production and commercialization of seed.

Article 14 creates the National Institute for Seed (INASEM) which will be responsible for providing the material resources and administration necessary for implementing much of the policy developed by the Seed Plan, such as operating labs, offering technical assistance and issuing licenses for the disposition of certain categories of seed. This institute will also include spokespersons from the Presidential Council concerned with seed policy, but is largely a governmental body.

Notes:

1. In the section on chronology, the authors are indebted to the content of a chronology of the struggle produced by the [CDR-SUR](#) (Espacio Ecosocialista Del Poder Popular, Nov. 6, 2015). We have translated parts of that document into English. All shortcomings are, of course, our own.
2. Entrevista al President Evo Morales Ayma, con motivo de la aprobacion en la Asamblea General de las Naciones Unidas de la Declaracion de las Naciones Unidas sobre los derechos de los pueblos indigenas, La Paz, 24 septiembre, 2007 in Vivir Bien: Mensajes y documentos sobre el Vivir Bien, 1995-2010, Ministerio de Relaciones Exteriores, Estado Plurinacional de Bolivia.)
3. All translations of government documents are unofficial.

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