

MORATORIUM ON THE ENTRY OF GMOs TO PERU

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1) Introduction

The experience of Peruvian organizations of civil society in the struggle against the entry of living modified organisms -in this document interchangeably called GMOs or transgenic, clearly stands out in Latin America. Transgenic crops have expanded greatly in Mexico, Brazil, Argentina, Paraguay, even in the Bolivia of Evo Morales. In Peru however, after a process that took nearly twenty years a national law that established a ten year moratorium on the entry of GMOs in the country was enacted. According to the law, in that period governments and society should make important actions: establish mechanisms to control the entry of GM, carry out studies of biodiversity and genetic resources in the country, train public officials that would be responsible for the proper control and implementation of the mechanisms provided by law, etc.

Placing the Peruvian process in the overall context of the relentless expansion of GMOs and the big corporations that avidly develop and promote them, while stating that actually their goals are to give impulse to sustainable agriculture and help end world hunger. And knowing that there are more and more clues and evidences that GMOs are not really all the safe and productive their manufacturers claim they are. And that in spite of this important sectors of scientists arrogantly dismiss those clues and evidences on the grounds that have been obtained using the wrong methods, and that to oppose to GMOs is tantamount to rejecting progress and prosperity. It then seemed that trying to document the Peruvian experience could help better understand how the process evolved and what conclusions may be drawn that hopefully can help organizations of the civil society in their opposition to transgenics in other places. The complexity of a process with many stakeholders that extended over a period that spanned four government made being schematic inevitable.

2) The issue of living modified organisms in the world

2.1. The status of GMOs in the world

Genetically modified organisms (GMOs) - also known as transgenics - are beings whose genetic material has been altered using biotechnology techniques so that they acquire certain characteristics or qualities that are not natural to them. In other words, a transgenic is an organism to which a gene from another living being has been added. For example, tomatoes now exist to which the genes of fish have been inserted so that they can acquire the quality of resisting very cold temperatures.

Modern biotechnology has focused on improving characteristics related to the process of seed and crop production, generating plants that are insect resistant, herbicide tolerant and immune to pests and diseases. The promoters of the widespread adoption of these plants argue that they are an essential and innocuous weapon with which to feed the growing world population, with no harmful effects on human health or the environment. Critics claim that GMOs could bring irreversible consequences on the ecosystems and biodiversity, especially in megadiverse countries, generating alterations in ecological niches and plant and animal food chains and the loss of native varieties that are the basis of the genetic make-up of many countries.

The rise and progress of modern biotechnology has primarily occurred in industrialized countries, leading to dependency among third world countries that do not have the sufficient financial means to promote this activity. A small handful of transnational corporations lead and control the production of GMO seeds¹: “until about 30 years ago, most of the seed sold worldwide belonged to individual producers and public sector researchers; in just three decades, a handful of

¹ Bart Visser 2002, “Biotecnología, una canasta de opciones”, in LEISA revista de agroecología Vol.17 N° 4

companies have managed to take hold of 82% of the global seed market. The main ones are: Monsanto, DuPont, Syngenta, Limagrain, Bayer”².

Despite the many questions they raise³, transgenic crops have continuously expanded: an estimated 160 million hectares of transgenic crops exist worldwide, representing 11% of world agriculture⁴. In 2009, soybean was the main biotechnology product grown (69.2 million hectares), followed by maize (41.7 million ha), cotton (16.9 million ha) and canola/rapeseed (6.4 million ha)⁵; 75% of them are herbicide tolerant or insect resistant. The United States, Brazil and Argentina control 90% of soybean exports⁶. In 2006, the situation of the area cultivated with GMOs in selected Latin American countries was as follows:

Table 1 Area cultivated with GMOs in Latin America 2006

COUNTRY	AREA WITH GMOs (thousands of hrs)	MARKET CROPS
Argentina	19 100	Cotton, soybeans and maize
Brazil	15 000	Soybeans and cotton
Paraguay	2 600	Soybeans
Uruguay	500	Soybeans and maize
Mexico	100	Cotton and soybeans
Colombia	50	Cotton, maize and carnations
Honduras	50	Maize

Source: James 2007

² Alvarez Alonso, Jose (2012), “Los transgénicos son una amenaza para la agrobiodiversidad”, Newspaper El Comercio.

³ See <http://www.grain.org/article/entries/4686-transgenicos-20-anos-alimentando-o-enganando-al-mundo>

⁴ Carrera, Javier (2011) “Transgénicos en debate”, in: ALLPA magazine N° 9.

⁵ Scotto Mendoza, Carlos (2011), “Análisis de la pertinencia del uso de la biotecnología moderna, identificación y aplicaciones específicas”

⁶ Von der Weid, Jean Marc and Jose Maria Tardin (2002), “Soja genéticamente modificada ¿bendición o maldición para la agricultura brasileña?” in Leisa revista de agroecología Vol. 17 N° 4 “Los OGM no son la única opción: Biotecnología vista desde el Sur”.

1.2 Peru and transgenics

Peru is one of the twelve countries with the greatest biodiversity in the world. It is also the centre of origin of various genetic resources that contribute to the world's food supply: it has 25,000 species of plants (10% of the world total), 30% of which are endemic. It has a very high diversity of genetic resources: it has the largest variety of potatoes (2,321 species and 91 wild relatives); it has 3 maize ecotypes; 623 species of fruit; 1,408 known medicinal plants and 1,600 species of ornamental plants. This biodiversity is a product of its socio-cultural heritage, developed over 10,000 years while achieving processes of domestication, selection, adaptation and accumulation of species diversity and gene pools.

This mega biodiversity places Peru in a unique position with regard to the possibility of spreading LMOs in its agriculture, making the need to take into consideration a set of criteria⁷ before implementing policies to allow these organisms to be introduced in its agriculture all the more important. The potential impacts on biodiversity and production practices in the agricultural sector and on the economy of family farmers and employment should be assessed, for example. A realistic assessment of national capacities for the development and implementation of biosafety mechanisms is also essential. The capabilities and the technical and financial resources of the Peruvian state apparatus to monitor and regulate the enforcement of such mechanisms are very limited, making it extremely risky to release transgenic crops in Peru. Consequently, the decision to welcome or exclude this type of technology should be taken with great caution. The entry of transgenic crop seeds to Peru, however, was promoted by some major public agencies of the agricultural sector until the Moratorium Act was enacted, as explained in the next section.

⁷Lapeña, Isabel 2007, "Semillas transgénicas"

3) En route to a Moratorium

This section presents an abridged account of the process that led to the Moratorium. It is divided into two subsections defined by the extent of participation of civil society organizations in the process.

3.1. 1992-2007

The issue of living modified organisms (LMOs) and their impacts on society and biodiversity started to become a topic of discussion and first appeared in the public agenda in the early 90s. On June 5 1992, at the Earth Summit held in Rio de Janeiro, the Convention on Biological Diversity (CBD) was opened for signature and it entered into force on December 29 1993. This Convention pays special attention, in paragraph 3 of Article 19, to the handling and impacts of the transfer of LMOs resulting from modern biotechnology:

"The Parties shall consider the need for and modalities of a protocol setting out appropriate procedures, including, in particular, advance informed agreement, in the field of safe transfer, handling and use of living modified organisms resulting from modern biotechnology that may have adverse effects for the conservation and sustainable use of biological diversity"

The article mentioned is the direct precedent of the first international instrument on matters of biosafety: the Cartagena Protocol on the Safety of Modern Biotechnology (PSB) of the Convention on Biological Diversity, adopted in Montreal on January 29 2000, with the aim to

*"contribute to ensuring an adequate level of protection in the field of the safe transfer, handling and use of living modified organisms resulting from modern biotechnology that may have adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health, and specifically focusing on transboundary movements"*⁸.

Peru sent a delegation to this meeting and signed the Convention, but the Peruvian delegation, of which Dr Alexander Grobman was a member, voted against companies being responsible for the possible negative effects of transgenics.

⁸Cartagena Protocol on the Safety of Modern Biotechnology (BSP) of the Convention on Biological Diversity, Article 1.

In 1994, during the government of former President Alberto Fujimori Fujimori, the National Environmental Council (CONAM- Law No. 26410, enacted on December 22 1994) was created to formulate, coordinate, direct and evaluate the national environmental policy. Years later it would be in charge of creating a committee to discuss modern biotechnology.

Until then the state had been building within certain agencies, especially but not only the Ministry of Agriculture, national legislation on environmental issues, on the applications of biotechnology. From a social standpoint, the Action Network for an Alternative Agriculture (RAAA in Spanish), which brings together organizations involved in sustainable agriculture and alternatives to the use of agrochemicals, began to distribute information about LMOs in Peru, organizing a national event in 1998 during which their impacts on biodiversity were discussed. The event itself, however, was not widely publicized.

In 1999, Law No. 27104, the Prevention of Risks arising from the Use of Biotechnology Act, also called the Biosafety Law, was enacted. Among other provisions it established the sectoral agencies that would be relevant to the implementation of the law in their scope and functions: the National Agricultural Research Institute -INIA, the Directorate General of Environmental Health - DIGESA and the Vice Ministry of Fisheries. This law and its regulations (DS-108-2002-PCM) are aligned with the international process of developing a biosafety protocol launched by the CBD and regulate all aspects related to LMOs, including their release under controlled conditions. The law establishes that their introduction into the country requires the approval of the relevant authority. Although this law represented a step forward in the field of managing biotechnology, its inaccuracies and loopholes were questioned, those related to breaches of the law and the corresponding sanctions, among others. The regulations were even more criticized, among other reasons for conferring on the INIA a double function: as control agency, regulating the entry of transgenics into Peru, and at the same time as the agency that would grant the necessary permits for the importation and development and/or use of LMOs.

Since the regulation of modern biotechnology was becoming more important on the public agenda, in 1999 a committee to discuss the issue of biosafety was formed within the CONAM, constituted by experts and members of civil society organizations. This committee was in charge of intersectoral coordination on biosafety issues and of developing the country's position on these same issues as well as control measures. The position adopted by its members was that LMOs were neither convenient nor necessary for the reality of domestic agriculture because of the negative impacts they could have on biodiversity as well as on several aspects of the country's socio-economic situation. This position was reported by members of the committee through emails. In 2000 Dr Alexander Grobman joined the committee. He was a consultant to the Ministry of Agriculture, founder and president of PeruBiotec, a private association for the development of biotechnology, and an active promoter of the admission of transgenics into Peru, arguing that biosafety measures would only "hinder" the country's development by preventing the use of modern biotechnology. He also stated that without LMOs poor farmers are prevented from escaping poverty and that the country needs LMOs to ensure food safety now and in the future.

In 2003 the Peruvian Association of Consumers and Users (ASPEC), a civil association that promotes and protects consumers' rights, carried out a first campaign in the Peruvian capital to inform them and raise their awareness of transgenics. Although this event was a major initiative, it did not have the desired impact because the main civil society actors involved in the issue of biosafety failed to participate. Furthermore, the campaign was not picked up by the city's main media outlets. Despite this, the event opened the door some years later for members of ASPEC to be part of the discussion panels on the position of Peru regarding transgenics, after the implementation of the Cartagena Protocol.

The Cartagena Protocol on the Safety of Biotechnology of the Convention on Biological Diversity, which had been signed in 2000, was approved by Congress on July 13 2004 through Legislative Resolution No. 28170. During the negotiations

leading to the Protocol, the Peruvian delegation had a controversial role because it voted against the binding instrument, opposing the idea that companies should take responsibility for the possible negative effects of GMOs, a position that openly favoured the use of modern biotechnology and thus, made clear that there were interests at stake for Peru to open its doors to transgenics. This event triggered a public debate in Peru, insofar as the CONAM had agreed to vote in favour of the binding instrument. Although the PSB's negotiations were arduous, a consensus in favour of the binding agreement was achieved. Under Article 26 of the Protocol, the countries that sign it "may take into account (...) socio-economic considerations arising from the impact of living modified organisms on the conservation and sustainable use of biological diversity, especially with regard to the value of biological diversity to indigenous and local communities". Wherewith the possibility of the loss of access to natural and genetic resources that were previously available to indigenous and local communities in their territories as a result of the loss of biodiversity, as well as the loss of the cultural traditions, the knowledge and the practices of local and indigenous communities as a result of this loss of biodiversity, are recognized.

On July 11 2006, Congress approved the General Law on the Development of Modern Biotechnology, promoted by the Ministry of Agriculture since 1994. The enactment of this law provoked a strong reaction from various CSOs specializing particularly on issues related to the patentability of inventions, intellectual property and the rights of indigenous peoples and local communities over their traditional knowledge and practices related to elements of their biodiversity and biocultural heritage, noting that the law infringed national legislation on industrial property and also the Andean Community Decisions Nos. 345 and 823. The law was also challenged on similar grounds by the CONAM. This reaction led the Executive to observe the law in question on 27 July⁹. The MINAG and the technical agencies in its scope, especially the INIA, were decidedly in favour of letting transgenics into

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http://www.biodiversidadla.org/Principal/Secciones/Noticias/Peru_ley_de_desarrollo_de_la_biotechnologia_moderna_en_el_pleno_del_Congreso y http://www.rap-al.org/index.php?seccion=8&f=news_view.php&id=163

the country, while the CONAM requested serenity and the application of the precautionary principle.

In that year after a long debate in which the leaders of political parties, private research centres and numerous social organizations participated, Peru signed a Free Trade Agreement (TLC) with the United States. By including within the subject of intellectual property the ownership of transgenic seeds by private companies, the TLC paved the way for the entry of GMOs. Signing the TLC, furthermore, created a controversial situation insofar as it led to Peru being the only country to make a change to the Andean Community's legislation in regard to modern biotechnology to facilitate the entry of transgenics.

The debate over the entry of transgenics into the country was still taking place between the specialized agencies of the state apparatus, while consumers, the media, the unions and social organizations, etc. stood mostly at the fringe of the process. The few public activities organized at the time did not get the attention of the media and, until that moment, it could be said that the battle was being won by the sector of the "protransgenics", among them the then advisor to the Ministry of Agriculture, Alexander Grobman.

Until 2006, the discussion and the decisions on the issue of LMOs were addressed with no significant involvement of the civil society in the process. A broader discussion was needed and, above all, greater participation of the civil society, to give a more comprehensive response to the question of whether it was necessary and desirable to widely open Peru to LMOs, considering its characteristics as a biodiverse country, possessor of a large peasant population with its own agronomic knowledge developed over many years that is also a guardian of the biodiversity. As Isabel Lapeña of the Peruvian Society for Environmental Law (SPDA) and a member of the committee for the discussion on biosafety points out: "we had reached a point where the (position) seemed won by the protransgenic sector because the whole legislative landscape had been modified to favour the entry of transgenics into Peru".

2. 2007 - 2011

The second stage is characterized by the increased participation of different civil society organizations in the discussion about the entry of GMOs to Peru. Even important national newspapers, such as La Republica and especially El Comercio, opened their pages to the debate and took party in defence of the agrobiodiversity that characterizes the country. It could be maintained that this second stage began in 2007 with the allegation made by Dr Antonietta Gutierrez, a biologist at the National Agrarian University La Molina (UNALM) and director of the Sustainable Environmental Development Association (ASDMAS), that LMOs had been found at the collection sites of durum maize in the fields of farmers in the valley of Barranca, 180 kilometres north of Lima. The allegation was echoed by the leading newspapers of Peru, "El Comercio" and "La Republica", which contributed to increase the number of people who were informed about the debate.

EL COMERCIO November 17, 2007

TRANSGENIC CROPS FOUND IN THE BARRANCA VALLEY

INVESTIGADORA DE UNIVERSIDAD AGRARIA DE LA MOLINA HACE REVELACIÓN

En el valle de Barranca ya existen cultivos transgénicos

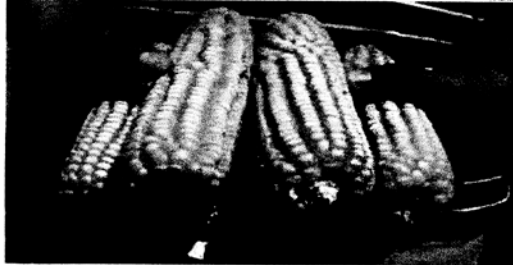
■ Aún está pendiente la aprobación de una normativa para la regulación del tema

MAHE-NEILA CRUZ HAMBREZ

Si uno observara un inmenso campo de cultivos de maíz amarillo duro, no podría determinar si lo que ve es un alimento producido sobre la base de semillas genéticamente modificadas (producto transgénico) o naturales, es decir, aquellas que no han sido intervenidas con tecnología.

Por esta misma razón, un equipo de la Universidad Agraria de La Molina, encabezado por la catedrática Antonietta Gutiérrez, tomó 42 muestras de maíz amarillo duro del valle de Barranca (Lima) para un estudio que utilizó la metodología multiplex (amplificación del ADN). Para gran sorpresa, un total de 14 muestras dieron positivas para dos tipos de modificaciones genéticas, denominadas en la práctica científica como eventos NK603 (hace que cultivos sean más resistentes a los herbicidas) y Bt 11 (fortalece los cultivos ante los insectos).

El informe no especifica cómo llegaron los transgénicos a esas zonas.



PRIMERO. El maíz amarillo duro, utilizado frecuentemente como alimento para aves y ganado, tendrá su versión transgénica en un valle de Lima. ¿Y en el resto del país? Es una pregunta para el Ministerio de Agricultura.

EL DATO

Polémica mundial
Los transgénicos son alimentos mejorados a través de la inserción de ADN de un organismo extraño para mejorar su productividad. Es un tema que origina polémica. Sus defensores destacan que son importantes ante la mayor demanda de alimentos.

Actualmente, en el Perú está prohibida esta práctica mientras no se tenga la autorización de una entidad responsable, en este caso el Instituto Nacional de Investigación Agraria (INIA). Sin embargo, esa autorización no es posible si no se ha publicado previamente el reglamento de la Ley de Bioseguridad (Ley 27104). Este reglamento permitirá al INIA establecer procedimientos que permitan la regulación (solicitudes, análisis de riesgo

y autorización) de estos cultivos. Al respecto, Gutiérrez señala que su posición no está en contra de los transgénicos, pero sí se opone a un crecimiento de estos cultivos sin ningún tipo de control. Refiere que el Perú posee una gran diversidad del maíz. Ante la posibilidad de que existan más situaciones como la detectada, demanda al Estado la implementación de la legislación sobre el tema, así como

la aplicación del Protocolo Internacional de Cartagena sobre Bioseguridad, que fue ratificado por Perú y que también demanda el control por parte del Estado de la agricultura de transgénicos.

Justamente, Gutiérrez fue la negociadora y representante del Perú durante las rondas de este protocolo, entre 1996 y el 2000. Actualmente, es profesora de genética y de biotecnología vegetal de La Molina. El biólogo Antonio Brack Egg respaldó el profesionalismo y la solicitud de la científica. "Si Antonietta Gutiérrez afirma eso, es verdad, sobre todo si ha hecho el análisis", apuntó. Por ello, consideró necesario rastrear cómo llegaron esas semillas al valle de Barranca.

ATADOS DE MANOS

Consultados sobre esta investigación, el INIA indicó que ellos han solicitado al Ministerio de Agricultura la aprobación del reglamento de la ley, cuya propuesta se encuentra redactada.

Además, solicitaron que se presente un proyecto de ley para que el INIA no solo tenga facultad regulatoria sino que también pueda sancionar a los infractores. Jorge Alcántara, especialista en bioseguridad del INIA, informó que estas dos propuestas fueron gestionadas en mayo, pero aún no hay respuesta. "Ahora estamos con las manos atadas", comentó.

Además de la normativa pendiente, Gutiérrez propone una suavización para el ingreso de todo transgénico, al fin de hacer un rastreo de los cultivos en el país. Al par, dijo, sería necesario un análisis de riesgo para establecer qué cultivos y qué modificaciones genéticas estarían permitidas en el Perú. ■

NUEVO BENEFICIO

Autos a GLP no pagarían aranceles

■ Gobierno estudia medida para incentivar importaciones y acelerar cambio de matriz

Con la finalidad de reducir el número de vehículos petroleros del parque automotor, el Gobierno evalúa no solo incentivar la importación de vehículos nuevos que tengan el sistema dual de gas licuado de petróleo (GLP) y gasolina.

Con esta medida, se espera ampliar el volumen de autos y la cobertura de GLP en provincias, ya que hasta el momento no llega el gas natural. "Para nosotros, la prioridad es incentivar el consumo del gas natural; sin embargo, sabemos que el GLP es el sustituto alternativo a los combustibles caros como el petróleo y las gasolinas", indicó una fuente del Ministerio de Energía y Minas.

Con esto, la idea principal del Gobierno es acelerar el cambio de la matriz energética hacia combustibles más baratos. Se debe indicar que los comercializadores de GLP, reunidos en la Asociación de Gas LP, consideran de carácter discriminatorio el hecho de que solo se incentive el consumo de gas natural cuando el GLP es una alternativa para la reducción del uso del diésel en el parque automotor local. ■

That same year, in September, the Promoter Group Peru Transgenic Free Country organized the forum "Risks and implications of GMOs on Agrobiodiversity", to discuss LMOs and their implications for health and agrobiodiversity and analyse the

Modern Biotechnology Development Act in a participatory manner with different actors of the civil society. The Platform Peru Transgenic Free Country (PPPLT) was constituted on October 26 on the basis of the Promoter Group, bringing together organizations for sustainable agriculture and organic consumers who opposed the entry of LMOs to Peruvian territory.

Also in 2007, the Medical Association of Peru (AMP) denounced the American pharmaceutical company Ventria Bioscience of having experimented on lactating infants to evaluate the effectiveness of a transgenic rice containing a human gene for the treatment of acute diarrhoea. This accusation was reported by the media as a prominent case of consumer rights violation, given that the families had not been informed of the experiments and the possible consequences on the health of their children.

Meanwhile, the most important national newspaper, "El Comercio", was one of the few newspapers that closely followed national events regarding these issues. But until then there had been no real debate on the topic, and because of the lack of government transparency the public was not well informed. That year, IMA Opinion y Mercados, a national pollster, carried out a survey in Metropolitan Lima to determine the population's level of knowledge (or information) and its perception about the use of transgenics. The survey results showed that 90% of respondents had no knowledge about the topic; of those who declared being informed, 30% stated that GMOs are food that has been tampered with genetically; 40% pointed out they do not want to consume such kind of food and 38.9% said they would not consume it because its safety is not guaranteed. 97% said they agreed with having food labels indicating its transgenic content. In late 2007, then President Alan Garcia Perez was shown by the media meeting with executives of the multinational Monsanto. From then on the controversy intensified, because Garcia Perez was on his way to establish an alliance with Monsanto when the national policy regarding the admission or exclusion of transgenics from Peru had not yet been defined.

A year later, in 2008, Dr Antonietta Gutierrez revealed the results of a new study that extended the sample of the first test carried out in 2007. This time, tests were conducted in the departments of Lima, Piura, Lambayeque, La Libertad and Ancash: the samples from Lima, Piura and La Libertad were found to contain LMOs. This finding confirmed the quiet introduction of LMOs in the agriculture of the coast of Peru, increasing the concerns of the media and civil society organizations involved in these issues.

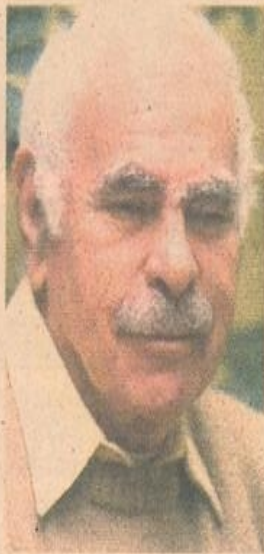
While the debate on the introduction of transgenics to Peruvian agriculture was going on, Peru's economy was registering sustained high growth. One of the most dynamic sectors regarding production was related to agricultural exports, with crops such as fruits and vegetables destined primarily for markets in industrialized countries. Agricultural exporters, grouped in the Exporters Association of Peru (ADEX), expressed the importance of organic crops for this activity and its incompatibility with GMOs, "if we want to continue exporting to Japan and Europe, we must opt for what is natural and not for transgenics which will only benefit a couple of companies". With this statement the agricultural exporters stressed the importance of organic production for their activity and the possible negative impacts that the entry of LMO seeds would have, including significant repercussions on exports, income, jobs and taxes. This basically economic perspective was added to the arguments of those who defended agrobiodiversity in the debate. By transmitting the idea that the entry of transgenics, as well as affecting biodiversity and posing a risk to human health, would have adverse impacts on the economy of producers and exporters, this sector rejected one of the protransgenics' major arguments, according to which the use of transgenic seeds would bring economic benefits to most producers.

Adex aclara a Grobman: No hay interés por transgénicos

CONFLICTO

Luego que Alexander Grobman, asesor del Ministerio de Agricultura (Minag), afirmara que los exportadores están interesados en aplicar la biotecnología para obtener cultivos transgénicos que mejoren sus productos, la Asociación de Exportadores (Adex) descartó interés alguno en la producción de alimentos modificados genéticamente.

El gremio exportador rechazó que en una reunión sostenida entre las "asociaciones



Alexander Grobman.

de productores" vinculadas al gremio exportador y funcionarios del Minag, los exportadores hayan expresado su apoyo al cultivo de transgénicos, sobre todo porque semanas atrás la institución expresó su intención de que más bien debe promoverse el cultivo de productos orgánicos.

Adex agrupa a centenares de agroexportadores de todo el Perú, organizados en 10 comités y cuatro subcomités.

Asimismo en un comunicado menciona que represen-

tantes de los diversos comités de Agro del gremio exportador rechazaron la posibilidad de dar luz verde al cultivo de alimentos transgénicos pues, tal y como lo señala el presidente del Comité Agropecuario de Adex, Alfredo Menacho, son alterados genéticamente para incorporar a su constitución genes de otras especies, sobre todo animales, con lo que producen sustancias químicas que matan a los insectos que los atacan durante su crecimiento.

Refirió que ello abre la posibilidad de que el polen de los "cultivos transgénicos" contendrá esas sustancias químicas, con lo que queda abierto el riesgo que a través de los insectos se disemine sin control por los campos.

cifras&datos

* De acuerdo a cifras oficiales, en el 2007 el Perú exportó productos orgánicos por un total de US\$ 161 millones.

* En nuestro país cerca de 35,000 productores orgánicos certificados posicionan a nuestro país en el séptimo lugar en cuanto a número de productores, siendo superado por México, Italia Ugan-

Menacho afirmó que a diferencia de lo que sucede con los transgénicos, en los últimos años el cultivo de productos orgánicos en el Perú ha cobrado fuerza. Recordó

In May 2008 the Ministry of the Environment (MINAM) was created and Dr Antonio Brack, a renowned ecologist, teacher and researcher on issues related to biodiversity and the development of biotrade, was appointed as minister. The creation of this ministry and the appointment of Brack as its first minister contributed to create a balance between those state agencies involved in the issue of transgenics. MINAM is at a higher level than CONAM and Brack enjoyed the recognition of the public due to his distinguished career. From the beginning of his administration Brack spoke out against transgenics, arguing that Peru must protect its rich agrobiodiversity from the risk of contamination by growing LMOs, establishing furthermore its intellectual property over the genetic resources contained in this rich diversity and seeking to place organic products in international markets. Brack's administration strengthened from within the government the

position against those who believed that what was good for the country was to make prevail the point of view of scientists, "who know the most", without the intervention of the public or the Ministry of the Environment, whose "function is only to deal with biodiversity"¹⁰."

The PPPLT's actions intensified, with more public activities such as marches, statements, fairs and conferences in universities, achieving a greater presence in the media through articles in the written press and radio interviews. Its main statements consisted of:

(January/2009) Comments on MINAG's Sectorial Regulations on the Safety of Biotechnology

(May 2009) Calling into question the release of LMOs because they jeopardize biodiversity, food sovereignty and food security

(September 2009) Backing the Minister of the Environment's protection of the country's genetic resources against the illegal entry of transgenic seeds
Among other points, a 5-year moratorium on the entry of LMOs and the mandatory labelling of products containing genetically modified ingredients was proposed

More organisations joined the platform, such as the Fair and Ethical Trade Network (RCJyE), the Avantari Naturist Centre, the National Convention of Peruvian Agriculture (CONVEAGRO). These organizations enabled the creation of a group that was more consolidated and had greater social impact. In May 2010, PPPLT issued a new pronouncement endorsing the precautionary principle against the entry of transgenics that may cause damage to biodiversity and human health. Among other things, they requested Congress to enact mandatory labelling of transgenic food and proposed a 10-year moratorium on the release of LMOs in the country's agriculture.¹¹.

¹⁰El Comercio. Interview to Alexander Grobman, May 2008

¹¹ On September 1, 2010, President Alan Garcia enacted Law N° 29571 and the Consumer Protection and Defence Code, in which Article 37 establishes the labelling of products containing transgenic ingredients, a proposal that had been made by several civil society organisations including ASPEC, a member of PPPLT. Four years later, the regulations of this Law have not yet been approved and labelling is not required.

When the Consumer Protection and Defence Code was enacted, Jaime Delgado, who was then APEC's president declared that "the product must be labelled, a law cannot be above the Constitution, which establishes the right to information (...) What businessmen fear is that consumers, once they know and have a right to choose, will say they prefer consuming products that are not transgenic"¹². In 2011, ASPEC conducted research involving products for human consumption. Genetically modified components were found in ten of the analysed products (soy milk, oats, and cornflour, among others) and this was not revealed on their labels. The labelling of products was questioned by representatives of the National Society of Industries.

On 14 April 2011, a little over three months before President Alan Garcia's second administration ended, he issued Supreme Decree 003-2011-MINAG, Sectorial Regulations on the Safety of Biotechnology in the Development of Activities with Agricultural or Forestry related Living Modified Organisms and/or their Derived Products from the Agricultural Sector. These regulations were drafted entirely by MINAG without any collaboration from the biodiversity control agency, MINAM, and were issued abruptly even though the country had still not defined a clear policy on biosafety.

The sectoral regulations incorporated administrative procedures so that those who were interested in carrying out activities involving agricultural or forestry related LMOs could submit applications and obtain the necessary permits. How the precautionary principle would operate, however, remained unclear; instead, the procedures left the doors open to absolve the companies that produce and import LMOs from any responsibility if it were the case that these organisms had negative effects on crops. This decree was signed during a context that was conducive to its publication: Peru was in the middle of an election campaign and at the end of the government of Alan Garcia, whose state policy had always favoured the economic interests of multinational corporations.

¹²Public statement, September 15, 2010

The abrupt adoption of the regulations was another important detonator of the public debate. In response, on April 25 MINAM issued a lengthy public statement, which among other things, informed the public that:

"(...) The country could have followed one of two possible paths in this matter of whether or not to accept LMOs: (1) regulate their use through CSOs, as established in the legal framework; and/or (2) declare a moratorium on them through Congress, in order to scientifically analyse their potential impacts and to secure the essential infrastructure and institutions with which to face an eventual presence of LMOs in the country. The Minister of the Environment repeatedly presented the issue in congressional committees and reasserted the need for a moratorium. This arose from the fact that several congress members submitted bills for 3 to 15 year-long moratoria. Other countries made similar decisions, including Switzerland, which declared a 12-year moratorium. The call for a moratorium is a perfectly legal act based on international agreements and Peruvian law"¹³.

It then summarised the formal argument of those in favour of following the first path mentioned:

"(...) The followers of the first position argue that the development of modern biotechnology is being hindered; that the followers of the second position are "obscurantist"; that without LMOs poor farmers will never escape poverty; and that the country needs LMOs to guarantee food security now and in the future".

And it ended by specifying the position of MINAM, led by Minister Brack:

"10. MINAM is responsible by constitutional and legal mandate and in accordance to the National Environmental Policy, of guaranteeing our biodiversity, including our genetic resources, and of promoting its rational use to generate wealth and overcome poverty, and support private and public institutions in its promotion and preservation.

11. Today Peruvian biodiversity and its genetic resources, which are essential for organic production, are generating increased income for the country and thousands of producers, of which more than 40,000 already have international organic certification and are a major source of employment. It is necessary, therefore, to develop their potential and strengthen Peru's competitive position in the most demanding markets worldwide. It should be noted that LMOs are incompatible with organic production".

¹³ MINAM's Communication Office, Official statement on the discussion of GMOs or Transgenics Internal Sectorial Regulations of MINAG.

With this statement MINAM, in charge by constitutional mandate of the national policy on the environment, formally established its position against DS 003, which had been drafted by MINAG and INIA, and against transgenics, while being in favour of organic production, joining thus many civil society organisations, several local and national media outlets and wide sectors of the public who were campaigning to stop the application of DS 003 and achieve a moratorium on the entry of transgenics. By April 2011, thirteen of Peru's regions and the Metropolitan Municipality of Lima had issued ordinances and other legal instruments declaring their jurisdictions "transgenic-free territories" (Cusco, Ayacucho, San Martín, Huanuco, Lambayeque, Junín, Metropolitan Lima, Loreto, Arequipa, Cajamarca, Ancash, Huancavelica, Puno and Madre de Dios).

A new character began to stand out at this point in the process. For some years now, a traditionally undervalued profession had been gaining visibility in Peruvian society: cooks, or "chefs", as they were now being called. Cooks emerged in the media and urban life reclaiming a value that, although very important to the daily lives of Peruvians, had not received much explicit recognition or publicity: Peruvian cuisine. A generation of cooks appeared who gave new value to Peruvian cuisine, its representatives and the ingredients used, proposing a kind of modernisation or "fusion" with other culinary techniques. With them, Peruvian cuisine was established in the media, at the same time as the creation of many new and remodelled restaurants, in what came to be called a "gastronomic boom". The best representative of this movement, Gastón Acurio, renowned chef and successful gastronomic entrepreneur, intervened in the debate about transgenics arguing that the country's agrobiodiversity is essential for the development of Peruvian gastronomy, which was seeking international recognition: "Peru must promote a national policy as an organic country; policies should be oriented to the development, creativity, promotion and production of high quality products for native products' niches; we must take advantage of our biodiversity and turn it into high quality products (...) if we have this wonderful heritage to create and transform these products why not do it".

Acurio's involvement in the campaign against the entry of transgenics led him to be attacked by some political sectors and the promoters of transgenics, but more importantly, he gained a space in numerous media outlets and built bridges with many sectors, not only with politicians and scientists, but with ordinary people, who have found in Peruvian cuisine and the rich variety of natural products it uses a source of national identity and pride. With this, what had initially been a discussion between geneticists, biologists, agronomists and CSO representatives was extended to a much wider audience.

Additionally, PPPLT managed to mobilise many of the organic consumers and members of the civil society who knew nothing about the issue of transgenics, seeking to generate a critical mass that would require a moratorium on the entry of LMOs. This group was able to provide a voice and image to the defence of the rights of citizens and generated a broad discussion front in the mass media. According to Fernando Alvarado, director of IDEAS, "the platform chose to move the debates from the universities and the scientific community to the markets and streets, making it a more friendly discourse"¹⁴. We should note that the mobilization of the Platform managed to disseminate and decentralise the information towards the provinces of Peru. Different representatives of the Platform travelled into the Peruvian territory to carry out public hearings with the authorities and the population of each province. This mobilisation contributed to achieve that by April 2011, thirteen of Peru's regions and the Metropolitan Municipality of Lima had issued ordinances and other legal instruments declaring their jurisdictions "transgenic free territories" (Cusco, Ayacucho, San Martin, Huanuco, Lambayeque, Junin, Metropolitan Lima, Loreto , Arequipa, Cajamarca, Ancash, Puno, Huancavelica, Madre de Dios). With these provisions they sought to fill an existing legal gap and also represent the will of citizens to conserve their biodiversity.

At this juncture, the president of ASPEC, Jaime Delgado, revealed to the media the results of a study carried out with the participation of Antonietta Gutierrez, RAAA and ANPE. The study showed a list of known foods in which the presence of

¹⁴Interview, September 2013

elements of LMOs among their contents had been verified. These results were a warning to the authorities, letting them know they needed better supervision of food control. The news caused impact. Meanwhile, ASPEC again drafted a bill for the labelling of products with transgenic ingredients.

At the same time, the media gave space to features opposing decree DS003-2011, and conducted interviews with Gaston Acurio, Antonietta Gutierrez and Jaime Delgado, among other opponents of transgenics. Specialised media outlets such as Servindi, Agronoticias and the Sustainable Regions Bulletin of the Peruvian Society for Environmental Law (SPDA) disseminated information on the progress of the debate through their information networks. The national situation gradually moved towards the requirement of a moratorium on the entry of transgenic seeds. Much of the public had become aware about the issue and knew about the risks LMOs could pose to biodiversity, human health and the country's economy.

In late 2011, Manuel Pulgar Vidal, a lawyer and founder of the SPDA, was appointed Minister of the Environment and maintained his predecessor's standpoints, supporting a moratorium. By then, several bills had been presented to Congress for the establishment of a moratorium on transgenics and they were going through the process of discussion and approval. Finally, on 7 June 2011, in a plenary session congress adopted Law N°. 29811, declaring a moratorium on the entry of LMOs into the country for a period of ten years, excluding those to be used in confined spaces and for pharmaceutical uses. On December 8, 2011 Law N°. 29811 was enacted and it was published in the official gazette El Peruano the next day.

4) Law N° 29811

The Moratorium Act has a clear objective and scope: it prohibits for a period of 10 years the introduction - importation or domestic production – of LMOs to be released into the environment, excluding those organisms used for research, and in pharmaceutical and veterinary products. This law goes beyond prohibiting and

sanctioning; in addition, its secondary mandatory functions aim to strengthen and develop national capacities for biosafety. Within this framework, the moratorium involves two main parts:

1. Regulatory and capacity building, which involves the construction of programmes for the knowledge and conservation of native genetic resources, biotechnology and competitive development programmes, and projects to strengthen scientific and technological capabilities.
2. Creating a multisectoral advisory committee, to develop skills and tools for the management of biotechnology, biosafety and bioethics, the strengthening of monitoring functions, and the issuing of technical reports and proposals.

In this regard, the moratorium gives the Peruvian state time to regulate the entry of modern biotechnology. It provides time for the country to develop biosafety control mechanisms, especially on the issue of the entry of transgenic seeds, fostering the construction of a baseline of the country's native biological and genetic biodiversity and promoting research on issues related to biosafety and biodiversity. In addition, it provides the country with time to develop and become socially stronger, fuelling a more transparent debate about the advisability of admitting or excluding these organisms.

Furthermore, from a social standpoint the moratorium could be considered as a framework for further debate and to generate social and institutional alliances. Acurio adds that "the moratorium is an opportunity to generate a debate, draw a genetic map of Peru and promote research on native genetic resources; it also enables assessing the expediency of releasing transgenic crops; plus it seeks to promote the continued progress of scientific research in order to prove irrefutably whether transgenics have negative impacts on human health".

The process of regulating the moratorium was led by MINAM's General Directorate on Biodiversity as the relevant authority responsible for approving the necessary measures for compliance with the law, as established by its 6th article. On March 7, 2011, three months after the enactment of the law, MINAM arranged through its

institutional website, for a public consultation on the regulations that had been drafted.

Finally, on November 13, 2012, the Council of Ministers adopted the Regulations of Law N° 29811 establishing the Moratorium on the Entry and Production of Living Modified Organisms in the National Territory for a 10-year period.

5. Analysis of the stakeholders' participation

5.1. The state sector

When studying the interventions of the state sector throughout the process that led to Law N° 29811, a distinction must be made between the central government, congress and the regional and municipal governments. In the case of the central government, the process spanned the administrations of Presidents Fujimori (1990-2000), Toledo (2001-2006), Garcia Perez (2006-2011) and Humala, during whose administration the regulations of Law N° 29811 were adopted.

The government of President Fujimori was authoritarian and his early years in office were characterised for his implementation of a set of important reforms inspired by the so-called Washington Consensus (privatisation of public enterprises, liberalisation of foreign trade, labour market reforms, the drafting a new constitution of neoliberal inspiration, etc.). His government focused on promoting foreign investment, especially that dedicated to the exploitation of non-renewable natural resources (metals, oil, gas) by large transnational corporations as the main lever for the country's economic development. At the same time he organised a structure for co-opting political institutions, public authorities and the media, based on corruption.

On the other hand, during Fujimori's administration Peru signed the Convention on Biological Diversity (CBD) in Rio 1992. Additionally, in December 1994, the National Environmental Council (CONAM, which in 1999 formed the commission to debate biosafety) was created. In July 1997 Law N° 26839 – on the Conservation and Sustainable Use of Biodiversity – was adopted, based on the principles and

definitions of the CBD, and charging CONAM with conducting the National Strategy for Biological Diversity. On 7 May 1999, Law N° 27104 – on the Prevention of Risks that Arise from the Use of Biotechnology (or "Biosafety Law") – was enacted, "establishing the general rules applicable to activities related to the research, production, introduction, manipulation, transportation, storage, exchange, marketing, contained use and release of LMOs under controlled conditions" (Art. No.3). In Part Five it defines the procedures to be followed "for conducting activities with LMOs", according to which any entities interested in carrying out these activities must request authorisation from the relevant sectorial agency, which must perform a risk assessment.

That is, the legislative framework for conducting various activities with LMOs, among which were included their introduction and release in the country, was adopted near the end of Fujimori's government. It is interesting to point out that Law N° 27104 was enacted before the adoption of the Cartagena Protocol on the Safety of Biotechnology, in 2000, and that in Cartagena the Peruvian delegation voted against its approval. In July 2004 however, during Toledo's administration, the Protocol was adopted by the Peruvian Congress.

During the government of Garcia Perez, Congress adopted (July 12 2006) the General Law on the Development of Modern Biotechnology, which MINAG had been promoting since 2004. The adoption of this law was criticised and rejected by civil society organisations (especially SPDA and RAAA) and public agencies such as the National Institute for the Defence of Competition and Intellectual Property (INDECOPI), mainly because it opposed several decisions made by the Andean Community, the Law on Intellectual Property and the Paris Convention in aspects related to patenting, intellectual property, and other central issues. These organisations and agencies requested the Executive to reject it. The Action Network on Pesticides and their Alternatives for Latin America reported (August 28, 2006):

The various sectors of Peruvian society that protested vigorously against the adoption in Congress of the so-called General Law on the Development of Modern Biotechnology managed to make the Executive reject (not sign) the law. The comments it sent to Congress highlight that the legal text in question would go

against Andean regulations and the current Law on Industrial Property by legislating on the subject of patents. The following are the key aspects of this decision, released by the Action and Alternatives to the Use of Agrochemicals Network (RAAA)¹⁵.

On January 24, 2008, Law No. 29196 – the Law for the Promotion of Organic or Ecological Production – was adopted, but it was not regulated until July 23, 2012, when Humala was president. The Code for the Protection and Defence of Consumers was adopted in September 2010. Article 37 of this code specified the labelling of products containing transgenic elements. And in April 2011, DS 003-2011 MINAG was approved, the Sectorial Regulation on the Safety of Biotechnology while carrying out Activities involving Agricultural or Forestry related Living Modified Organisms and/or their Derived Products from the Agricultural Sector, which specifies the administrative procedures to be followed so that those interested in developing agricultural or forestry activities with LMOs can submit their applications and obtain the relevant permits. After this event, which caused the adverse reaction mentioned above, the adoption by Congress of Law N° 29811, regulated on 13 November 2012, was achieved.

This roster of legal provisions is useful for creating a complete picture of how the legislation on transgenics was built by the different administrations. It could be said that the (abundant) legislation has been built in response to different motives. Firstly, there are important regulations that were enacted in compliance with international agreements signed by the country. In other cases, such as Law N° 27104 and the General Law for the Development of Modern Biotechnology (Law N° 022-2006), which favours the introduction of transgenics, they were adopted by governments (Fujimori and Garcia) that also adopted laws that favour conservation and the sustainable use of biodiversity or the Code for the Protection of Consumers. This suggests that, in these matters, regulations are adopted as a result of pressures exerted and conflicts within the state, as in the case of the confrontations between MINAG/INIA and MINAM on the issue of MINAG's Sectorial Regulation on

¹⁵ www.rap-al.org/index.php?seccion=news_view.php&id=163

Biosafety and on transgenics generally. In this regard, there is no single direction but a kind of pendulum whose oscillation is influenced by the weight of personalities and economic interests, but also by the assessment made by the authorities of the relative popularity or unpopularity of the regulations.

This applies to the executive particularly, but also to congress, whose orientation in policy issues tends to vary when the composition of its members is modified as a result of the elections, that in Peru are held every five years. For example, during the period 2001-2006 there were congress members with an Andean agricultural background, who knew the value of agrobiodiversity in peasant agriculture. Also, in the second half of 2011 the largest bloc of congress members belonged to Gana Peru, the alliance formed by the Nationalist Party with Union por el Pueblo Peruano (UPP) led by Humala, who won the presidential election with a leftist political platform (although he then veered towards the centre). These congress members, Jaime Delgado among them, the founder and first president of ASPEC, who before being a congressman was an active participant in the PPPLT, were opposed to large corporations that produce transgenic seeds establishing their operations in the country. The composition of Congress explains why four moratorium bills were drafted and presented by different congress members.

In the process that led to the moratorium on LMOs, the role played by many regional governments was very different from the one played by the executive and legislative branches, based in the capital. Because they are disconnected from the political dynamics and economic interests at stake at the national level of decision making, they got involved at the most critical moments of the process, when the debate had reached its greatest intensity and the regulations discussed would have a major impact, in the agricultural sector mainly, which has in the regions the highest social and economic importance. This closeness to and high value given to agriculture made most regional governments sensitive to the importance of (agro)biodiversity and the risks of introducing LMOs. This is the reason why most of the regional governments declared their territories "transgenic-free", an attitude that was highlighted in the media and around which the favourable opinion of their

population gathered. The declaration of transgenic-free territories may not have been the determining factor, but it was an addition to a set of actors who were in agreement in their opposition to the introduction of LMOs.

5.2. The business sector

There are two organisations in Peru that group companies involved in foreign trade and both include agricultural businesses among its members, the Foreign Trade Association of Peru (COMEX) and the Exporters Association of Peru (ADEX). COMEX groups the larger companies and ADEX medium sized companies, with a greater presence of so-called non-traditional exports, including agricultural exports (fruits, coffee, cocoa, asparagus, etc.). When the discussion about the entry of LMOs to Peru was raised, it was ADEX that made a public statement using the media. Its position was against transgenics, arguing that they are not compatible with the export of organic products, which ADEX attaches great importance to because of its dynamism and potential for future growth. In 2008 ADEX distanced itself from the MINAG/INIA position and aligned itself with MINAM's, disseminated by Minister Brack through various media outlets, as well as State agencies, such as Congress' Economy Committee.

5.3. The media

The campaign against the introduction of transgenics and in favour of a moratorium would possibly not have succeeded if major media outlets had not raised the issue and disseminated it nationwide. In many cases, the media (radio and TV stations) gave space for advocates of both positions to present and debate their views. There were also some outlets that openly supported the position against transgenics. Such was the case of the oldest and most famous newspaper, El Comercio. Known for its centre-right position on most domestic policy issues, this newspaper published many informative articles (what is an LMO and what are its risks, experiences and studies from other countries, etc.) and also features against the entry of transgenics to the country. La Republica, another major national newspaper with a centre-left position also opposed the entry of LMOs.

“One of the main problems regarding the debate on transgenics is that there is no debate. Except for some spaces opened to analyse the repercussions and effects that growing these crops would have on the country, what prevails is misinformation and lack of transparency despite it involving a new, controversial and fundamental issue for a society like ours.

*In principle, as concluded in the roundtable organised by El Comercio last week –titled **Transgenics: Defining State Policies** –, there are no regulations on biosafety in agriculture that guarantee, on the whole, that farm products preserve the welfare of the people”.*

In this way the main media outlets put the issue of transgenics and the two positions regarding their effects within reach of a very large population. It is difficult to find debates on other issues of national significance that have received so much attention.

5.4. Civil society organisations

Several civil society organisations participated in the campaign against the entry of LMOs. **Farmers’ associations** were committed in their participation and were articulated through the National Convention of Peruvian Agriculture (CONVEAGRO). This organisation represented the voice of thousands of small farmers who were concerned about the risks their activity and their resources would face if the entry of transgenic crops were allowed and they strongly rejected GMOs.

As a forum for political articulation, CONVEAGRO was active in State entities, such as spaces within Congress’ agricultural committee and roundtables in MINAG and MINAM. CONVEAGRO promoted a debate between the two main presidential candidates in 2006 (Keiko Fujimori and Ollanta Humala) trying to generate commitments in favour of the moratorium.

The **“Platform Peru Transgenic Free Country”** reached many diverse organisations¹⁶, including organic farmers’ and consumer advocacy associations, specialised media, agronomists and doctors, fair-trade organisations,

¹⁶ National Association of Organic Producers (ANPE-Peru), Action Network on Alternative Agriculture (RAAA), Organic Agriculture Network of Peru (RAE), Fair and Ethical Trade Network (RCJE), Peruvian Association of Consumers and Users (ASPEC), Committee of Organic Consumers (CEC), LEISA Magazine,

and biofairs, etc., all with the voluntary commitment to disclose the risks that transgenics could generate in Peru and to get the attention of the authorities to create a national policy for the conservation of biodiversity.

Through PPPLT, organic consumers and members of the civil society were mobilised, reporting on the issue of transgenics and seeking to create a critical mass to demand a moratorium. In this way it was able to provide a voice and an image to the defence of the rights of citizens and generate a broad front for discussion in the media. According to Fernando Alvarado, director of Centro IDEAS, “the Platform chose to move the debate from the universities and the scientific community to the markets and streets, creating a more friendly discourse”.

Members of the Platform travelled to the provinces to hold public hearings with the authorities and the population in order to inform them of the debate that was going on about the entry of LMOs. Of Peru’s 24 regions, thirteen declared themselves “transgenic-free”.

The **Peruvian Society for Environmental Law (SPDA)** participated throughout the campaign against the entry of transgenics to Peru. It was not only responsible for generating the debate in Lima, but also tried to decentralise the information through its newsletter “Sustainable Regions”, participated in various discussion groups on biosafety from the beginning of CONAM and constantly monitored the Peruvian media. Additionally, the SPDA actively participated in some of the activities organised by the Platform and collaborated in the discussions of the technical group nationwide. This organisation became a national reference point on biosafety issues.

The Peruvian Association for the Development of Biotechnology, PeruBiotec, whose members work in Peruvian universities, molecular analysis laboratories, international organizations (CIP, IICA, CIAT), professional consulting, and seed

Huampaní Nursery, Medical Association of Peru (AMP), Hoja Verde, ATACC Peru, Sisay, Centro IDEAS, Institute of Andean Food Culture (INCAA), Mana Integral, Conciencia Ecologica, Centro Avantari and others.

companies, also participated in the process. According to its statutes, PeruBiotec's objective is:

“the promotion of all kinds of technical, scientific, cultural, informative, and educational activities, research, investment promotion, procurement of patent and license management or management that has as its purpose the development of technical cooperation activities in conventional biotechnology and modern biotechnology” (Art. 4)

PeruBiotec's president was Alexander Grobman, with a long career in the field of biotechnology. He served as an adviser to MINAG and intensely participated in the debates, gave interviews and wrote newspaper articles defending the benefits of the entry of transgenic seeds to Peru.

6) Some reflections on the struggle to stop the entry of LMOs to Peru

Many civil society organizations carry out advocacy activities aimed at modifying policies and regulations existent in their area of work. Such advocacy can be an explicit component of the mission of the organizations, or may be done because the organizations conclude that in order to achieve their objectives they need to venture into the field of policy advocacy, although that may not have been considered initially. Moreover, today most donor organizations expect their partners in the South to engage in advocacy, especially since that route is expected to help reach more significant scales of influence than isolated experiences with relatively small groups of people. This is especially so since currently the effectiveness of the policies of cooperation is questioned in the North on the grounds of its negligible impact on development goals.

As both the donor organizations and their partners have come to realize, successful advocacy requires a capacity that has to be developed. CSOs need to acquire the skills and build the knowledge required to interact with diverse stakeholders in the complex world of politics. In this context, the Peruvian campaign of CSOs against the introduction of LMO acquires relevance. Thus, the idea of writing an account of

the process that led to the LMOs moratorium in Peru was to identify and bring out clues that could be useful for the advocacy efforts of CSOs elsewhere.

6.1. Aspects of the domestic context

Our reading of the Peruvian process suggests that there were specific intervening factors that tilted the outcome in favor of those who opposed the entry of GMOs. For example, over the last years the Peruvian government is trying to develop a "Peru brand" as part of a policy to "sell" the country to potential tourists and foreign investors. A central component of this brand is the image of Peru as a country possessing mega biodiversity and with a rich cuisine that exploits biodiversity to produce a variety of tasty dishes and drinks. It is not known yet if the Peru brand is making the country more attractive for the explicit target group, but much of the urban population take pride in these two aspects of contemporary Peruvian identity, its cuisine and its biodiversity. Therefore this population, opinion leaders included, tends to be against something that might threaten this important pillar of Peruvian being, its rich biodiversity. In this sense, as regards public opinion the messages of the PPPLT and other organizations were falling on fertile grounds. In addition, after several years of high economic growth a marked optimism predominated in the public opinion about the prospects for further growth with the same model that was followed until then in which, as ADEX president had declared, there was no room for GM

Turning to politicians, it has been mentioned earlier that since the Toledo administration, and especially later with the ascension of Humala to the presidency, a number of members of congress come from a rural background and/or have leftist ideologies. They have in common a rejection of large corporations like Monsanto, due to those corporations' monopoly power over the seeds markets and their being representative of a form of agriculture based on LMOs and powerful herbicides. ASPEC's former president and active participant in the PPPLT was also member of the congress when the moratorium act was to be discussed. At that point there were no less than four moratorium act projects submitted to the corresponding congressional commission. In the end the congress approved by

majority Law N° 29811, that determined a 10 years moratorium to the entry of LMOs.

In short, it may be argued that the proponents of the moratorium found in the context of national politics an opening and in some cases even sympathy for their position. This does not detract from the valuable work of the PPPLT and the various organizations and personalities that drove the opposition to GMOs and the moratorium law, but may have helped them overcome several hurdles.

6.2. The important role of media

The opponents to LMOs enjoyed abundant access to media. Their declarations and articles were given spaces in the most important daily papers and they were invited to talk shows in radio and TV. Both in radio and TV they had the opportunity to debate with defenders of the entry of transgenic seeds into the country. Thus, proponents of the moratorium could reach a wider audience for free.

On other subjects –i.e. environmental conflicts between big mining firms and peasant communities, access to the media by CSOs is a lot more restricted. And often the information disseminated lacks objectivity, distorting the positions of the OSC. In Peru property in the means of communication sector is highly concentrated and, with some exceptions, the information policy of the mainstream media promotes the points of view of the big economic groups. Despite this policy prevailing in the highly concentrated world of media, the debate over transgenic got a more objective coverage.

6.3. Strategic importance of civil society organizations

Civil society organizations were undoubtedly the animators and leaders of the process. Concern for the impacts of the conventional agricultural paradigm on the environment and search for more sustainable alternatives have given origin to numerous NGOs, several of which are active in policy advocacy. In the struggle against the introduction of transgenics NGOs have been whistleblowers, denouncing the existence of transgenic maize on the coast north of Lima or the use of transgenic inputs in consumer products,

without labeling. NGO staff have supplied information to the public through the media, organized open events of discussion and citizen information, lobbied members of congress, debated with promoters of the entrance of transgenics and traveled the country to disseminate their position against the introduction of LMOs. Several NGOs worked independently, others converged in the PPPLT to coordinate their actions. On the whole, NGOs response to the challenge was mature and reasonable, pointing out the steps that are necessary in order to evaluate in a proper way the risks of the introduction of LMOs. On the other hand the campaign of the promoters of LMOs was more aggressive and attempted to disqualify the arguments of their opponents on the grounds of lack of scientific evidence.

6.4. Personalities

The way in which the struggle against the introduction of LMO developed over several years showed the importance of the participation of personalities. Among the promoters of the transgenics the most vocal was Andrew Grobman, former senior adviser to MINAG and president of PeruBiotec. On the side against the transgenics, Antonio Brack assumed the position of Minister of the Environment in a crucial juncture and strengthened within the executive the resistance to LMOs proposing as an alternative the development of organic agriculture for export. Gaston Acurio, the hugely popular chef and successful gastronomic entrepreneur entered the debate extolling the virtues of Peru's agrobiodiversity and demanding a development policy that relies on this diversity to export goods and services to the world. The intervention of Brack and Acurio was not part of the CSOs campaign but both and especially Acurio exerted a significant positive influence on public opinion. This is something the representatives of CSO's should bear in mind when defining their forthcoming advocacy strategies

6.5. The pendulum oscillates again

After more than two and a half years since the adoption of the Law N° 29811, progress in the implementation of its provisions is minimal. This is due to several reasons. The Multisectoral Advisory Committee is in charge of coordinating the implementation but among its members there are civil servants that are pro transgenics and would be pushing for the derogatory of Law N° 29811. Members of the pro transgenic association

PeruBiotec occupy positions in the public sector, for example in the Council for Science and Technology (CONCYTEC) and in INIA¹⁷.

During this time the power of the coalition that took Humala to the presidency of the country has eroded. Faced with a deceleration in the rate of economic growth, reflection of the economic woes of the European economies and a change in the economic policy of China, the government of President Humala has been increasingly criticized by the entrepreneurial organizations. These organizations are demanding that the government unlocks several large scale investment projects, in mining and oil principally. This and other changes in economic policy are frequently demanded in the media. At the same time, the left wing members of the coalition have parted ways and established themselves as a minority group in congress. So weakened, the government showed signs of giving in and announced a set of measures along the lines of the demands from the entrepreneurial organizations. And on Friday 12 of September an opinion article in the editorial page of El Comercio welcomed the announcement from the president of the Commission for Science, Technology and Innovation of Congress that he is going to submit a project for the derogation of Law N° 29811.

“Recently, the president of the Commission of Science, Innovation and Technology Congress, Eduardo Cabrera, announced he will submit a bill to eliminate the Moratorium Act. An attempt to rectify that we salute. Hopefully this time the experts shall be given a voice, as claimed at the time a president (...), who at the end of his period tried to do the sensible thing only to be kicked in the shin by a chef with no scientific training. We propose to renew the debate with the formation of a national committee of experts that can issue a position paper to provide input to the discussion that will take place in Congress. Our future is at stake”¹⁸.

All these moves indicate that the political context of 2010-2011, that was propitious for the positions of the opponents to transgenics, has experienced a reversal and that soon the CSOs shall have to apply the experience gained and the skills developed in the previous campaigns against the entry of LMOs to stop this new attempt to reverse the advances achieved with the promulgation of Law N° 29811. It is also necessary to insist

¹⁷ Luis Gomero, founder and executive coordinator of the Action Network for an Alternative Agriculture (RAAA), active member of PPPLT, interviewed by la Revista Agraria, July 2014.

¹⁸ Luis D’Stefano, university lecturer and member of PeruBioTec, El Comercio, September 12, 2014

on the labeling of GMOs, according to Art. 37 of the Code of Protection and Defense of Consumers, promulgated four years ago. Although how the labeling should be applied has been extensively discussed, its implementation was stopped by opposition from the business sector and the lack of political will of the government.

The member organizations of the Platform agree that, rather than trying to stop the announced repeal of the law, their actions should aim at achieving the implementation of Law N° 29811. So far, the progress made in its implementation is minimal and organizations that are part of the Multisectorial Advisory Committee have said that there is no political will to implement the law in the state agencies to which this task correspond, National Institute of Agricultural Innovation (INIA) and the National Agricultural Health Service (SENASA). As provided by the law it is necessary to establish checkpoints in selected points of the frontiers, conduct inventories of biodiversity, develop and take other actions. The CSOs that made part of the PPPLT are working on a strategy to reach these objectives .