

November 7, 2023

**TMEC Secretariat,
Mexican Section**

Pachuca No. 189, 17th floor
Colonia Condesa, Demarcación Territorial Cuauhtémoc
C.P. 06140, Mexico City

E-mail: ssmtlc@economia.gob.mx

**RE: Application for leave to submit written views by the National Farmers Union (Canada), a
Non-Governmental Organization, in the dispute regarding certain Mexican measures
concerning biotech corn**

Dear Secretariat:

On behalf of the National Farmers Union (Canada) (the “NFU”), a Canadian Non Governmental Organization (“NGO”), I hereby submit our formal request for leave to provide written views in the dispute concerning the Government of Mexico’s decree to phase out imports of genetically modified (“GM”), or genetically engineered maize (corn).

THE NATIONAL FARMERS UNION

The NFU is a voluntary direct-membership, non-partisan, national farm organization made up of thousands of farm families from across Canada in all sectors of agriculture. Founded in 1969, the NFU advocates for policies that promote the dignity, prosperity and sustainable future of farmers, farm families, farm workers, and their communities.

The NFU is member-funded through annual dues, supplemented by individual donations by members and supporters. The NFU also receives targeted grants from charitable and non-charitable funders in accordance with the NFU’s funding policy.

The NFU’S public policy positions are developed through a democratic process of debate, initiated by grassroots members and grounded in their experience as producers.

The NFU has over 50 years of experience in bringing the knowledge and experience of Canadian farmers into the public policy sphere. We have detailed expertise in the areas of seed, trade, GM technology, and their impacts on farmers and food. The NFU has authored numerous reports on issues such as seed regulation, food sovereignty, and the effects of international trade agreements on Canadian farmers.

Strong Communities. Sound Policies. Sustainable Farms.

Des communautés solidaires et des politiques sensées pour une agriculture durable.

nfu.ca

THE NFU'S PROPOSED SUBMISSIONS

The NFU will provide the panel with evidence not available from, or likely to be provided by the Parties, to support the following arguments:

- Canada does not produce or export white corn, and does not export GM corn or non-GM corn to Mexico. Mexico's measure is limited to the importation of GM white corn for human consumption.
- Mexico's measures are in compliance with Section 9 of the CUSMA agreement because they are science-based and required to protect the human health of Mexican consumers of corn-based foods. Further, Mexico's measures are necessary to protect plant life (traditional corn varieties) that have a world heritage value which is vulnerable to potential genetic contamination from imported GM white corn within its territory
- Commitments Canada made upon signing the UN Convention on Biodiversity in 1992 require Canada to support, not undermine, Mexico's GM corn importation measures. As a centre of origin for corn, it is critical for Mexico to prevent loss or degradation of this genetic and cultural heritage. Corn as we know it was developed by Indigenous farmers. And milpa is an ancient farming practice for growing corn, often with other crops such as squash and beans, developed and maintained by Indigenous peoples in Mexico. Milpa incorporates biodiversity and social and cultural traditions with deep significance.
- In 2010 Canada signed the United Nations Declaration on the Rights of Indigenous Peoples, and the United States has officially agreed to support the Declaration. It is inconsistent with UNDRIP for Canada and the USA to challenge Mexico's right to protect Indigenous people's food and agricultural heritage under the CUSMA.
- Canada has no basis to seek to narrow the scope of Section 9 of the CUSMA, as Canadian regulators have developed regulatory guidance in collaboration with regulated parties that are non-transparent, and which prevent the competent regulatory authority in Canada from using science to assess new GM products. The scope of Section 9 of the CUSMA should not be narrowed.

THE NFU'S PERSPECTIVE

The NFU brings an entirely unique perspective to this dispute that would assist the panel in its consideration of the factual and legal issues in this matter. The NFU, and our thousands of members, are the only organization that can provide the grassroots perspective of Canadian farm families who are deeply concerned about the regulation of GM seeds and food, and the possible effects of the CUSMA on sustainable farming across North America.

The NFU's perspective is also clearly distinguishable from that of the Participating Parties in this matter. Most notably, our submissions will provide a Canadian farming perspective that, we submit, clearly differs from the perspective of either Canada or the United States.

RELATIONSHIP TO THE PARTIES

The NFU does not have any direct or indirect relationship with any Party to this dispute. The NFU has not received assistance in preparing this Application, and will not have assistance preparing a submission should the panel grant leave to file one. The NFU has received legal advice in the preparation of this Application from Goldblatt Partners LLP.

ALL OF WHICH IS RESPECTFULLY SUBMITTED

Signed

A handwritten signature in black ink, appearing to read 'Jenn Pfenning', written over a horizontal line.

Jenn Pfenning,
NFU President, November 7, 2023

2717 Wentz Ave.
Saskatoon, SK
Canada
S7K 4B7
Telephone +1-306-652-9465
Email nfu@nfu.ca