

COURTESY TRANSLATION:

Request for Admission of Written View to the USMCA/CUSMA Panel
Mexico - Measures concerning genetically engineered corn
Fundación Semillas de Vida
06/11/2023

Fundación Semillas de Vida A.C., represented by Malin Margita Elisabeth Jönsson, pursuant to Article 20 of the Rules of Procedure of Chapter 31 of the Dispute Settlement Chapter 31 of the United States-Mexico-Canada Agreement (USMCA), requests application to present written views as a Non-Governmental Entity before the Panel established to analyze the dispute regarding the measures established by the Government of Mexico in relation to genetically modified corn.

In accordance with the above, Fundación Semillas de Vida A.C. provides the requested information.

a) Contain a description of the Non-Governmental Entity.

Nationality: Mexican

Place of establishment: CDMX, Mexico

Funding: Donataria autorizada, therefore it receives philanthropic donations from Fundación Rafael Dondé I.A.P., the United Nations Small Grants Program and The Satoyama Initiative. United Nations Small Grants Program and The Satoyama Initiative.

Legal status: non-profit legal entity, legally constituted in 2007; a civil association as stated in deed number 76846 executed before the notary's office 226.

Nature of activities:

We work together with producers, consumers, as well as scientists and academics in relevant areas to contribute to the knowledge, conservation and improvement of Mexican corn breeds and associated species in the milpa under sustainable agriculture. We also contribute to the knowledge, dissemination and defense of rights associated with corn, food, peasant, indigenous, cultural and consumer rights, among others. To this end, we have acted from a multiplicity of approaches, either by collaborating with other networks, through participation in and organization of seed exchange fairs and in situ conservation projects, monitoring and visibility of legislative processes, development of academic research and participation in international events, among others.

b) Factual and legal issues to be addressed in the written opinion with respect to the dispute

The written opinion that Semillas de Vida will submit to the panel will address the risks to health and biocultural heritage that the importation of transgenic corn causes to the Mexican population and for which it is pertinent and legally founded that the Mexican biosafety authorities, within the scope of their competencies, revoke and refrain from granting authorizations for the use of genetically modified corn grain for human consumption, which is used in the sector known as dough and pasta, within the scope of their competencies,

revoke and refrain from granting authorizations for the use of genetically modified corn grain for human consumption, which is the one used in the sector known as dough and tortilla, as well as its gradual substitution for animal feed and human consumption.

It will be argued that, in the social, biocultural and environmental context of Mexico, genetically modified corn requires phytosanitary measures that are appropriate for the Mexican corn consumption pattern of the population, which is unique in the world. At the same time, the biocultural and environmental risks of the entry of genetically modified corn into Mexico will be discussed, considering the diversity of at least 59 native corn breeds that are harbored and maintained in constant diversification and adaptation by indigenous peoples in different parts of the country, which is the center of origin and diversification of this species.

The provisions of the Agreement between Mexico, the United States and Canada (T-MEC), on general exceptions to Article XX of the General Agreement on Tariffs and Trade of 1994, to protect human health and life, as well as to preserve plants, will be discussed. Within this framework, the legal relevance of applying the precautionary principle in this case will be presented, in view of the factual issues described, as well as the need for the United States to present sufficient scientific evidence of the safety of the genetically modified corn it produces and exports, under the conditions of exceptional consumption of corn in Mexico. In addition, other multilateral environmental agreements signed by Mexico, such as the Nagoya Protocol and the Convention on Biological Diversity, will be addressed, as they are recognized by the United States.

c) Explain how the Non-Governmental Entity's communication would assist the panel in determining the factual or legal issue related to the dispute.

Semillas de Vida's opinion is based on its experience of the biocultural conditions and the social and food context of Mexico in relation to corn, as well as its knowledge of the impacts of genetically modified corn on the environment, health and culture of the country.

Throughout 16 years of work in the Mexican countryside, Semillas de Vida has been able to observe the effects of the industrial agrifood system in a country like Mexico, whose biocultural diversity is based on the diversity of corn and the rest of the species of the milpa, and can therefore provide a point of view free of conflict of interest, as it is the result of a history of constructive dialogue with peasant food-producing communities, consumers and other actors in the corn production chain, as well as academics and scientists.

d) Contain a statement that discloses: whether the Non-Governmental Entity has, or has had, any direct or indirect relationship with a Party; and or has had any direct or indirect relationship with a Party;

Semillas de Vida declares that it has no direct or indirect relationship with any of the parties, and therefore there is no conflict of interest in this application. Likewise, the non-governmental entity has not received or will not receive financial or other assistance in the preparation of the application for admission or communication.

e) Be in writing, dated and signed by a representative of the Non-Governmental Entity and include the address and other contact information of the representative;

SINCERELY,