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**INDIGENOUS RIGHTS PROTECTED IN UNITED STATES-MEXICO-CANADA TRADE AGREEMENT**

*Mexico's ban on the use of genetically engineered corn upholds Indigenous rights and is legal under USMCA*

**MINNEAPOLIS**—According to the Institute for Agriculture and Trade Policy (IATP), the Rural Coalition and the Alianza Nacional de Campesinas, the measures enacted by Mexico's 2023 Decree are necessary to safeguard the legal rights of Indigenous peoples and are not a restriction on trade. The three groups [submitted a written position](#) (also available [in Spanish](#)) to the dispute settlement panel in the case brought by the United States under the U.S.-Mexico-Canada Agreement (USMCA) challenging Mexico's domestic measures to protect consumer health and the globally important biodiversity of Mexican corn varieties.

The groups' submission establishes that Mexico's ban on the use of genetically engineered (GE) corn in tortillas or dough and the instruction to gradually replace GE corn with non-GE varieties are fully consistent with Mexico's obligations under the USMCA. The Mexican government, in its formal submission to the USMCA tribunal March 5, presented evidence that its policies are consistent with the agreement's chapter on food safety. They noted that Mexico provides dozens of peer-reviewed studies showing the risks of consuming GE corn containing residues of the herbicide glyphosate, especially in a country that consumes 10 times the corn per capita that is consumed in the U.S., including in minimally processed foods such as tortillas.

IATP's joint submission focuses particularly on USMCA Article 32.5, which is a general exception applicable to the entire USMCA that provides broad protections for Indigenous legal rights. According to noted trade lawyer Simon Lester, the establishment of evidence of a connection between Mexico's measures and its [obligations to Indigenous peoples](#) would strengthen Mexico's case. The groups' submission does just that.

The Indigenous rights exception is a first for any trade agreement involving the U.S. and was hailed as an important innovation when USMCA was signed. The resolution of this case has implications for future commitments to honor Indigenous and other human rights commitments in trade agreement. The provision allows parties to adopt or maintain measures necessary to fulfill legal rights of Indigenous peoples, provided the measures are not unjustified discrimination or disguised restrictions on trade.

Mexico's measures on GE corn meet these requirements. Corn holds significant cultural, symbolic and spiritual value for Mexico's Indigenous peoples. Preserving the integrity and diversity of native corn species is essential to protecting Indigenous rights and cultural heritage.

The submission also highlights Mexico's legal commitments to conservation and sustainable use of biological diversity, as outlined in the USMCA's Environment Chapter and international agreements such as the Convention on Biological Diversity.

Contrary to claims of economic harm by the U.S., the submission argues that Mexico's measures do not constitute unjustified discrimination or a disguised restriction on trade. Mexico has complied with the agreement by using the "least trade-distorting" measure available to achieve a legitimate policy objective. In fact, trade data indicates an increase in corn imports from the U.S. since the implementation of Mexico's decree.

The groups call upon the dispute settlement panel to recognize the scientific evidence on GM corn, as well as the new USMCA section on Indigenous rights and uphold Mexico's right to implement measures that fulfill its legal

obligations to Indigenous communities. Submissions from these groups and other CSOs were translated and published on the USMCA secretariat website on April 5. Read all submissions on the IATP [website](#).

**Quotes:**

“IATP’s analysis of this important new section of the trade agreement shows that Mexico's measures regarding glyphosate and GE corn are necessary to fulfill its legal obligations to Indigenous peoples and protect biodiversity in addition to ensuring access to safe, healthy and culturally appropriate food,” says Sharon Treat, IATP senior advisor.

“Mexico’s reliance on scientific standards is essential, but it’s important to remember that they haven’t taken these actions restricting GE corn in isolation. They are fundamental components of a bigger program to transform their food and agriculture system so that it is healthy and fair and meets the needs of its population. These programs are also necessary to meet Mexico’s legal commitments to its Indigenous populations, who, along with other farm, environmental and civil society groups, demand a better food system,” says IATP Director of Trade and International Strategies Karen Hansen-Kuhn.

"Preserving the integrity of our ancestral foods goes hand in hand with protecting biodiversity and Indigenous peoples’ rights. By supporting Mexico's decree to ban the use of GM corn in tortillas and flour, we also decrease the risk that workers could be exposed to dangerous pesticides, such as glyphosate, which are often used after planting GM seeds. Besides workers’ rights, this is also about ensuring that our future generations can enjoy the foods that their ancestors did,” says Mily Trevino Saucedo, executive director of Alianza Nacional de Campesinas.

Find more background, resources and updates on the ongoing trade dispute, which is expected to be decided in November, [on this webpage](#).

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Based in Minneapolis with offices in Washington, D.C., and Berlin, Germany, the Institute for Agriculture and Trade Policy works locally and globally at the intersection of policy and practice to ensure fair and sustainable food, farm and trade systems. To learn more, visit: [www.iatp.org](http://www.iatp.org).