



The Right Honourable Justin Trudeau, PC, Prime Minister of Canada

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The Honourable Lawrence MacAulay, Minister of Agriculture and Agri-Food

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February 21st, 2024

Re: Exclusion from CUSMA dispute panel

Dear Prime Minister and Federal Ministers:

We would like to bring to your attention the poor treatment that our organization, along with another Canadian NGO, received from your government in January. Ottawa backed the U.S. in un-inviting the Council of Canadians from submitting our written opinions to the CUSMA dispute Panel re. Mexico's 2023 Corn Law, this after we had received leave by the Panel on Dec. 15, 2023, to put forward our submission. Canada has joined the U.S. Complaint against Mexico as a 3rd Party Intervenor which allows your government to submit their written opinion to the dispute panel, while we are being denied the same privilege.

Our organization, Northumberland Chapter of the Council of Canadians Trade Justice Group (TJG) was in touch with Canada's four Ministries in 2023 on the issue of Mexico trying to protect both the heritage of 9000 years of indigenous maize landraces and the health of the country's current population, from GM corn pollution. We never received a response.

For example, you should have on file a January 2, 2023 letter that received the endorsement of 28 Canadians organizations. This letter was sent to you in advance of the January 9 and 10, 2023 tri-national gathering in Mexico City attended by Prime Minister Justin Trudeau and several Canadian Ministers at a meeting with counterparts from Mexico and the United States. In that letter we pointed out that Mexico had announced an import ban on GMO corn by 2024 (later modified in Feb. 2023 to protecting white maize for human consumption), along with the phase out of the use of glyphosate. As we pointed out in that letter, *"These measures taken by Mexico are to protect small farmers' livelihoods and provide consumers access to safe and healthy foods. Mexico is corn's birthplace and corn is central to historical cultural values built into its domestic production and distribution systems"*.

On what grounds is Canada challenging Mexico's 2023 GM corn ban?

First it should be noted that Canada doesn't export any corn to Mexico, so there must be other hidden interests at play here.

The stated Canadian argument for intervening in this dispute is, "Canada shares the concerns of the United States that Mexico is not compliant with the science and risk analysis obligations under CUSMA's Sanitary and Phytosanitary Measures Chapter. Canada believes that the

measures taken by Mexico are not scientifically supported and have the potential to unnecessarily disrupt trade in the North American market.” In this Statement Canada cites the trade agreement’s Sanitary and Phytosanitary (SPS) Measures Chapter as its argument for joining the U.S. Complaint.

However, in the SPS Chapter Canada cites, it states that “This Chapter does not prevent a Party from: ... establishing the level of protection it determines to be appropriate.” Canada could have done well to investigate references from other CUSMA Chapter sections that also back Mexico’s sovereign right to pass laws in order to protect the health of its citizens. For example, Article 3.14.2 of the CUSMA Chapter on Agriculture states that, “This Section does not require a Party to mandate an authorization for a product of agricultural biotechnology to be on the market.”

These statements raise a number of questions. How much of the evidence that Canada is relying on for this dispute comes directly from industry sources? Do the relevant government departments in Canada have the ability to independently review industry sponsored findings on, for example, risks posed to human health and to the environment from the unregulated propagation of GMOs?

As Canada challenges Mexico to stop its planned phase-out of GM corn for human consumption, a too-close collaboration between our federal government departments and the biotechnology industry has just been exposed. Documents recently in the public domain show that Canadian federal government departments worked directly with CropLife Canada to design new regulatory guidance on genetically engineered foods and crops in a committee called the “Tiger Team”. The new guidance removes government safety assessments from many new gene-edited GMOs and allows companies to put these unregulated GMOs on the market without notifying the government. The lack of independent scientific evidence makes it hard to trust that the challenges Canada is putting forward are in the public’s interest.

In the March 23, 2023 letter we sent to International Trade and Agriculture and Agribusiness we asked that Canada accept the sovereign decision of Mexico to secure and rebuild its historic maize-based social, cultural, and economic legacy. Indeed, Canada should follow Mexico’s lead in adopting the precautionary principle in relation to the use of pesticides and GMOs.

We also suggest that your respective Departments look into who decided that silencing Canadian NGOs was a good thing to do, and why? There is still time in the CUSMA dispute timeline to reverse this decision. We have a finished document ready to go.

Sincerely,

Rick Arnold for the Council of Canadians Northumberland Chapter Trade Justice Group

Endorsed by The Council of Canadians, including the following local chapters:

Avalon Chapter
Campbell River Chapter
Edmonton Chapter
Fredericton Chapter
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Kitchissippi Ottawa Valley Chapter

London Chapter
Mid-Island Nanaimo
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