

*This briefing is a summary of information provided in a larger report available at www.cban.ca/tradedispute
Please see the report for more detail and for citations.*



Canada and the US Challenge Mexico's Restrictions on GM Corn

The Government of the United States is using the Canada-US-Mexico Trade Agreement (CUSMA) to challenge the Government of Mexico's restrictions on the uses of genetically engineered (genetically modified or GM) corn for food. Canada does not export any corn to Mexico but the Government of Canada has joined this trade dispute as a third party.

Mexico's restrictions seek to safeguard the integrity of native corn from GM contamination and protect human health. Corn is a staple of the Mexican diet and is central to Mexican culture and agriculture, history and national identity. Corn is sacred to Indigenous peoples in Mexico and essential to Indigenous cultural and spiritual practices.

Mexico's restrictions

On February 13, 2023 Mexico published a [Presidential Decree](#) that disallows the use of GM corn for human consumption, specifically white corn intended for use in traditional foods such as tortilla and states the intention to eventually replace GM corn in processed food. Mexico's decree also phases out the use of the herbicide glyphosate, but this action is not being challenged by the US and Canada.

Canada's response

Canada has joined this trade dispute as a third party. However, Mexico's restrictions do not impact trade with Canada because **Canada does not export any corn to Mexico.**

[The Government of Canada argues](#) that Mexico should approve the same GMOs as Canada so that GM contamination does not cause trade disruptions. The government says that some companies may not want to introduce GM seeds in Canada in the future if these GM seeds are not also approved in Mexico, depriving Canadian farmers of access to these GM products.

Mexico has the right to restrict the use of GM corn

Mexico is a sovereign nation with its own laws and constitution, and food security and environmental policies that are supposed to reflect the national interests and those of Indigenous peoples in Mexico. The people of Mexico have a unique relationship to corn and the GM corn restrictions are a response to two decades of demands made by the people of Mexico.

The CUSMA trade agreement states that countries are not required to approve GMOs (Article 3.14.2).

It also recognizes the right of each country to set its own levels of environmental protection and environmental priorities (Article 24.3.1). The agreement does not prevent a country from establishing a level of safety for human and plant life that “it determines to be appropriate” (Article 9.6.4), as long as these measures are based on scientific principles.

Mexico is justified in restricting the use of GM corn

To protect the rights of Indigenous peoples

The purposes of Mexico's restrictions include protecting the rights of Indigenous peoples. In particular, the decree names the right to health and a healthy environment, and the need to protect native corn, the ancient farming and biocultural practice called the *milpa*, the biocultural wealth built around corn, peasant communities and gastronomic heritage; as well as to ensure a nutritious, sufficient and quality diet.

Canada's trade challenge is therefore inconsistent with Canada's reconciliation goals and the legislated commitment to implement the **UN Declaration on the Rights of Indigenous Peoples** (UNDRIP).

To safeguard biodiversity

Restrictions on GM corn are necessary to protect Mexico's corn diversity from **GM contamination**. Despite Mexico's 1998 moratorium on GM corn cultivation, contamination of native corn was found in 2001 and 2003. Indigenous farmers worked hard to remove this contamination. Because Mexico is the global centre of origin of corn, GM contamination poses a serious threat to food security nationally and globally.

Under the UN Convention on Biological Diversity, both Mexico and Canada are obliged to establish or maintain ways to regulate, manage or control the risks associated with the use and release of potentially harmful GMOs.

To protect public health

Corn is a staple food in Mexico. Mexicans eat more corn than anyone else in the world. Unlike corn consumption in Canada and the US, which is dominated by processed corn ingredients and products from animals fed diets including GM corn, in Mexico, corn is commonly consumed directly, largely through the use of minimally processed white corn flour used to make tortilla and other traditional foods that many people consume daily. This consumption pattern requires an “acceptable level of protection” that is unique to Mexico.

Many studies in the peer-reviewed scientific literature have found that Bt toxin proteins in insect-resistant GM corn and other GM plants negatively impact insects that are not the intended targets (insects that are not supposed to be susceptible to the Bt toxin). A study published in 2023, funded by the French government, found that Bt toxins disrupt normal growth and functioning of gut cells in fruit flies, raising the possibility that the toxins can alter the intestinal lining of non-targeted animal species. GM Bt toxins and GM Bt crops have also been found to have **toxic effects on mammals in controlled animal feeding studies**.

Most GM corn is also herbicide-tolerant, which means it is designed to be used with particular herbicides, mostly glyphosate-based herbicides. **Research links glyphosate to health problems** including cancer, neurodevelopment problems, neurological diseases, endocrine disruption and birth defects. The International Agency for Cancer Research of the World Health Organization classifies glyphosate as a “probable human carcinogen.” Health risks relating to exposure from herbicide residues in corn may be increased in Mexico due to high corn consumption.

For all citations, and further detail, please see the larger report at www.cban.ca/tradedispute

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