

Rashtriya Kisan Mahasangh

Erica Tower, St: Vincent Road, Kacherypady, Ernakulam-682018

Email: swadeshibiju@rediffmail.com, swadeshibiju@riseup.net, Mob: 9871368252

To

Sri.Narendra Modi, Honorable Prime Minister of India

Copy to

Sri. Shivaraj Singh Chouhan , Honorable Minister of Agriculture of India.

Sri. Bhupendra Yadav, Honorable Minister of Environment of India.

Sri. P Prasad . Honorable Minister of Agriculture, Kerala

Subject: International Treaty for Plant Genetic Resources for Food and Agriculture (ITPGRFA) Meeting (7-11 July 2025) and Sovereignty over Plant Genetic Resources

Sir

I write to convey serious concerns regarding the package of measures proposed by the Co-Chairs of the Ad Hoc Open-Ended Working Group to Enhance the Multilateral System (MLS) of Access and Benefit Sharing under the Plant Treaty.

Present situation of seed sector is alarming. All over the world, the ownership of seed production and distribution is being concentrated in the hands of a few large corporations. Over the past 40 years, the world's largest agrochemical firms have used intellectual property laws(WTO, UPOV-91), mergers and acquisitions (M&As), and new technologies to take control of the commercial seed sector. The top two companies control 40% of the seed market, The top four firms control 62% of the pesticide market. New technologies, such as genetically modified (GM) crops, have given large seed corporations significant leverage to control the market. This trend has significant impacts on small farmers, who may find it difficult to access high-quality seeds at affordable prices and may also face restrictions on their ability to save and exchange seeds. Most international forums are directly influenced by corporate houses, either through direct participation at the negotiation table or by exerting their influence in various indirect ways. This pattern is clearly visible in the ongoing discussions around the 'International Treaty on Plant Genetic Resources for Food and Agriculture.' Corporations are increasingly shaping the agenda and outcomes of such treaties to protect and expand their commercial interests, often sidelining the voices of farmers, indigenous communities, and civil society. This growing corporate influence raises serious concerns about the fairness, transparency, and inclusiveness of international policymaking in areas that are critical to global food security and agricultural biodiversity.

The proposed package of measures, as published in the Plant Treaty Website, has three parts: (1) draft amendment to the Plant Treaty; (2) draft amendment to the Standard Material Transfer Agreement (SMTA) the providers and recipients of the plant genetic resources for food and agriculture (PGRFA) use; (3) a draft resolution adopting the following amendments along with some other legally non-binding measures mentioned therein.

A careful perusal of the package of measures for the so-called “enhancement of MLS” will make it clear that India and its farmers stand nothing to gain from the package of measures. While we are forced to sacrifice our sovereign rights over PGRFA commonly known as “seeds” to an inherently unaccountable, non-transparent and failed benefit sharing system.

While it is understandable from the rich agricultural and farming heritage of India that access to seeds and exchange of seeds amongst farmers is important, the MLS of the Plant Treaty establishes a system for commodification and monopolization of seeds by multinational seed companies under the guise of an fair, equitable and open system. I/We request you to take into account the following concerns, amongst many other concerns which the Plant Treaty package of measures raise:

First, the Plant Treaty creates a multilateral access and benefit sharing system that lacks specificity and clarity in purpose. The MLS of Plant Treaty is for a negotiated selection of crops (64 crops currently), whose access should be provided for research, breeding and training with respect to food and feed purposes. However, benefits from this research and breeding are only shared back when sales of seeds developed using resources received from MLS take place. This means, a food processing industry commercializing processed foods or a biotech industry commercializing research services are not sharing benefits, despite making benefits out of the shared resources. Many seed companies have such other allied businesses. **The proposed package of measures does not address this problem.**

Second, the MLS of Plant Treaty avoids the requirement of tracking of individual accessions of PGRFA shared to reduce the burden of recipients and providers. However, this clause in practice has been misused to avoid all forms of transparency and accountability. Therefore not only use of MLS resources are detectable, but also diversion of the MLS resources to other purposes are not prevented. This compromises India’s ability to benefit from sectors other than seed/breeding sectors. Again India and other provider countries stand to lose here not only money, but also several non-monetary benefits such as improved knowledge, innovative technologies, products and services developed using shared seeds. For example, a medicine can be developed using Indian seeds or plant regenerative parts shared under MLS, without informing India or sharing benefits with India. Eventually such medicines would be sold at high prices to Indians or Indian public health systems. Merely disclosure laws in the patent regime are not going to address this menace. There needs to be minimum accountability and transparency measures as well as contractual obligations to inform the original provider country when the recipient intends to share seeds with a third party or to use seeds for non-food/feed purposes. **The proposed package of measures does not address this problem. To the contrary it proposes to add additional confidentiality clauses making the system even more opaque.**

Third, the SMTA used under aegis of the Treaty does not stipulate terms and conditions on the data generated from the material shared, in particular on genetic sequence data (GSD)/digital sequence information (DSI). As a result, several recipients like CGIAR centres generate sequence information from the seeds shared by countries and upload these sequences into online databases which are not accountable to Contracting Parties or to FAO. These databases also provide anonymous access to sequence information to users from other sectors as well. Both such data uploaders and databases violate the terms and conditions of SMTA that stipulates shared resources should only be used for food and feed purposes. Recently the 16th Conference of Parties (COP16) to Convention on Biological Diversity has made it explicit that countries can stipulate terms and conditions over such data at the time of sharing genetic materials. It also made it clear agencies like FAO can stipulate their own benefit sharing conditions from the use of sequence information generated from the genetic materials shared under their specialized ABS regimes. **The package of measures however does not propose to address the issue of sequence information in the SMTA. Instead it seeks to legitimize current practices such as “anonymous sharing” in the name of open access. It must be noted the good data governance is the imperative of the current times, and without addressing this issue, India stands to lose sovereignty over genetic data of its biological resources.**

Fourth, while the proposed package of measures fails to address all these critical issues, it shows no remorse in proposing to expand the scope of MLS from 64 crops to “all PGRFA”. All PGRFA can include all or any genetic material of plant origin, edible or non-edible, cultivated or wild, having actual or potential value for food and agriculture. Historically, ever since entry into force, only 5 recipients out of 25000 or more recipients have shared monetary benefits to the Plant Treaty MLS. **Thus the proposed package is forcing countries to contribute more genetic resources to a failed benefit sharing system. Even worse, if adopted, the package of measures will obligate Parties to share their plant genetic resources to a system that inherently lacks accountability and transparency, as shown above.** Benefits will be neither shared through FAO, nor through national authorities.

Finally, this system is not promoting food security as we hear in dominant narratives, but it compromises seed and food sovereignty, making our farming communities more and more dependent on seeds developed by multinational corporations, alienating seed development from its natural and agricultural biome. The entire system also reduces the farmer's rights to save, exchange and reuse seeds as breeders' right to seek patents or other forms of intellectual property rights (IPRs) is guaranteed by the MLS. At the same time, by creating and maintaining an opaque and non-transparent system of seed sharing, **it compromises the abilities of farmers to defend against IPRs being claimed on products using their seeds. Their ability to exercise vigilance and take part equitably in benefit sharing is also undermined.**

This treaty can have significant implications for the **Ayurvedic system**, which relies heavily on a diverse range of plant materials for the preparation of traditional medicines. As the treaty governs access to plant genetic resources and the sharing of benefits arising from their use, it may lead to increased regulation and control over the availability of medicinal plants. If corporate interests dominate the treaty's implementation, there is a risk that traditional knowledge and local practices—especially those used in Ayurveda—may be

sidelined or exploited without fair compensation. This could restrict access to key medicinal plants, raise costs for Ayurvedic practitioners, and threaten the biodiversity that the system depends on. Moreover, the treaty's emphasis on intellectual property rights could enable corporations to patent plant varieties traditionally used in Ayurveda, potentially undermining community rights and centuries-old knowledge systems. Therefore, it is essential that nation must protects the rights of traditional medicine practitioners and ensures equitable benefit-sharing with the communities that have conserved and used these plant resources for generations.

It is most concerning that an Indian Official is co-chairing the working group in which the package of measures are discussed while India is not a negotiating member in the working group. **This puts India in a vulnerable situation, where the co-chairs' proposals will be construed as Indian positions, unless the Government of India makes it clear and explicit that the Co-chairs' proposals are not India's national position.**

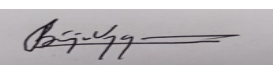
We are worried that in this situation, India will be co-opted into the outcomes of the working group, compromising our abilities to negotiate in the upcoming Governing Body where the package of measures developed by the working group may be considered and adopted.

Given the above,

1. I request the Ministry of Agriculture alongside the Ministry of Environment to undertake analysis of the proposed package of measures, in particular the amendment to the Annex 1 of the Plant Treaty, expanding the scope of Annex.
2. I also request to consult Farmers Organisations and State Governments on the issue, and until then not to endorse a package of measures.
3. I call upon Central and State Governments to immediately intervene in this issue and reject the proposals to expand the scope of the Multilateral System to "all PGRFA".
4. I call upon the Government of India to propose measures to the package of the measures to improve accountability and transparency of MLS and to ensure good data governance where users of sequence information are identified and under proper obligations to share fair and equitable benefits.
5. I call upon the Government of India to make proposals that empower effective and informed participation of farmers organization in the Treaty Process, especially with regard to decision making processes relating to operations of MLS.

Ernakulam
04/07/2025

Sincerely,



K V Biju, National Coordinator, Rashtriya Kisan Mahasangh-9871368252