

Rashtriya Kisan Mahasangh

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Date: 29/10/2025

To
Sri.Narendra Modi, Honorable Prime Minister of India.

Copy to,

Sri. Shivaraj Singh Chouhan , Honorable Minister of Agriculture.
Sri. Bhupendra Yadav, Honorable Minister of Environment of India.
Sri. Devesh Chaturvedi Secretary, Ministry of Agriculture and Farmers Welfare.
Sri. Ajeet Kumar Sahu Joint Secretary of Seeds, Ministry of Agriculture and Farmers Welfare.
Sri. Thanmay Kumar, Secretary, Ministry of Environment, Forest and Climate Change.

Subject: Urgent, appoint a Skilled Negotiator for India on ITPGRFA Annex 1 Amendments and MLS Expansion.

Sir,

First of all, we thank you for your prompt response to our letter dated 04/07/2025 and for arranging a stakeholders' consultation on this subject. After participating in the consultation organized by the PPV&FRA, and in light of the presentation made by Dr. Sunil Archak on the proposed amendments to the Multilateral System (MLS) of Access and Benefit Sharing under the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA), we would like to share our observations regarding India's possible position on the agenda of enhancing the MLS.

The key perspectives shared in the presentation of Dr. Sunil Archak are follow:

First, the proposed amendments to ITPGRFA MLS is not obligatory, a country has the freedom to designate the number of PGRFA Accessions it will be making available under the MLS. Hence, India is free not to designate PGRFA falls under the MLS. Therefore expanding Annex 1 fully does not mean every plant under the sun is covered.

Second, India is not giving any seeds under ITPGRFA MLS, but receiving several seeds through MLS and benefiting from it.

Third, India needs the MLS to be expanded because India needs access to certain seeds such as Soyabean, Tomato, Groundnut and Oil palm, which are currently not in MLS.

We raised several questions regarding India's accessed PGRFA — how these resources were used and how farmers benefited from them. There was no data shared on newly developed varieties using PGRFA access from MLS and how many of such varieties actually benefited farmers. Considering that India already possesses a large number of varieties of

soybean, tomato, and groundnut, we asked why there is a need to seek additional varieties from outside the country.

Many participants also raised questions about the agreement, but none of these were properly answered. We were willing to stay longer to hear detailed responses; however, the chair of the meeting requested that all our concerns be submitted in writing and concluded by assuring us that efforts would be made to protect the interests of farmers and the nation.

But we are profoundly concerned that the views Sri. Sunil Archak presented in the meeting, that are not correct and misleading also. In our understanding the above views do not reflect the reality of the MLS, its current functioning and the proposed measures for enhancing the same.

Firstly Articles 11 and 12 of the ITPGRFA deal with coverage of MLS and Facilitated Access to PGRFA. Some excerpts from these Articles are provided below, and it must be noted that these provisions are obligatory and do not give any discretion for the Contracting Parties to deny access to the designated PGRFA through MLS.

Article 11:

*11.2 The Multilateral System, as identified in Article 11.1, **shall include all** plant genetic resources for food and agriculture listed in Annex I that are under the management and control of the Contracting Parties and in the public domain. With a view to achieving the fullest possible coverage of the Multilateral System, the Contracting Parties invite all other holders of the plant genetic resources for food and agriculture listed in Annex I to include these plant genetic resources for food and agriculture in the Multilateral System.*

11.3 Contracting Parties also agree to take appropriate measures to encourage natural and legal persons within their jurisdiction who hold plant genetic resources for food and agriculture listed in Annex I to include such plant genetic resources for food and agriculture in the Multilateral System.

11.4 Within two years of the entry into force of the Treaty, the Governing Body shall assess the progress in including the plant genetic resources for food and agriculture referred to in paragraph 11.3 in the Multilateral System. Following this assessment, the Governing Body shall decide whether access shall continue to be facilitated to those natural and legal persons referred to in paragraph 11.3 that have not included these plant genetic resources for food and agriculture in the Multilateral System, or take such other measures as it deems appropriate.

Article 12

*12.1 The Contracting Parties **agree that facilitated access** to plant genetic resources for food and agriculture under the Multilateral System, as defined in Article 11, **shall be in accordance with the provisions of this Treaty.***

*12.2 The Contracting Parties **agree to take the necessary legal or other appropriate measures to provide such access** to other Contracting Parties through the Multilateral System. To this effect, **such access shall also be provided** to legal and natural persons under the jurisdiction of any Contracting Party, subject to the provisions of Article 11.4.*

Secondly it must be noted that the proposed expansion of annex includes “all other PGRFA”, not just food and forage crops as contained in current Annex 1 and also proposed amendment is giving only a “negative list option” for countries to exclude PGRFA from their jurisdiction, that too can be used only one-time, at the time of ratification. This makes all collections of PGRFA under government institutions automatically under the scope of MLS. Not providing access to such collections under SMTA will be termed as non-compliance with Treaty and State Responsibility can be triggered. Proposed text for the MLS expansion is as follows:

Annex 1, Article 1.1:

In accordance with Article 3 of this Treaty, and without prejudice to Article 12.3h of this Treaty, the Multilateral System shall, in addition to the Food Crops and Forages listed above, cover all other plant genetic resources for food and agriculture, including those previously excepted or excluded in the list above, that are under the management and control of the Contracting Parties and in the public domain and that are found in ex situ collections.

Annex 1, Article 1.2:

At the time of its ratification, acceptance or approval of this Amendment, a Contracting Party may, exceptionally, declare a limited number of certain species that it will not make available under the terms and conditions of the Multilateral System. Such declaration shall be deposited with the Secretary. It shall not affect the rights and obligations of any other Contracting Party related to the declared species, nor shall it affect the inclusion of such species in the Multilateral System by the International Agricultural Research Centres or other International Institutions that concluded an agreement with the Governing Body under Article 15 of this Treaty. A Contracting Party may withdraw its declaration in full at any time, or eliminate certain plant genetic resources for food and agriculture from its declaration at any time, but shall not make any additional declaration.

A negative list means India has to provide access to all PGRFA, which is not contained in the list. This is different from current positive list wherein the countries have to share only the PGRFA of the 64 crops contained in the Annex of ITPGRFA. The negative list thus not only takes away the policy space but also an inversion of the permanent sovereignty principle over natural resources and the rights reiterated in the Convention on Biological Diversity. If India fails to mention a crop in its exemption list at the time of ratification of these amendments, then all doors for excluding any plant species from India are closed perpetually. Even a rare, endemic species discovered in the future cannot be exempted from the scope of MLS.

Furthermore, PGRFA simply means any genetic material of plant origin that has a potential value of food and agriculture research. This means any or all plant genetic material can be considered as a PGRFA if someone claims it has some potential use in food and agriculture research. Their potential need not even be an actual reality. Therefore the argument that its only selected species going to be part of MLS is patently flawed. There are currently at least 350,000 known plant species, of which 30,000 are considered edible and 7,000 are cultivated. So even if the expansion is limited to the edible plants, its big sweep from 64 to 30,000 plants.

Thirdly, it was argued that India is not giving any seeds under the MLS, and the shared seeds do not include farmers' varieties. But the notification from the Government of India under the MLS dated 12 August 2016 ([see notification](#)) contains several farmer's varieties. The argument that India is not giving seeds or actual export of seeds from national authority is very little exposes an underlying power dynamics of actual control of our resources. This could indicate most of Indian seeds are being transacted by the International Gene Banks, delinking the relationship between our national authorities and researchers of our seeds abroad, be it commercial nor academic institutions. This is largely a trend in access to seeds though Treaty MLS. This bypasses the provisions of the National Biodiversity Act. And make it redundant

Fourthly, India benefits from MLS. It might be true that India has imported several PGRFA accessions from abroad through MLS, but there is no data which institutions imported these PGRFA and which new varieties developed using these accessions are registered in India. There is also data if there are any such seeds developed using MLS, whether they have been released in Indian markets improving farmers welfare as well as India's food security.

Finally it is also submitted that India already has access to several varieties of PGRFA belonging to crops like groundnut, soybean, tomato etc. and MLS is not the only mechanism by which India can have access to these seeds. Indian researchers and scientists could access these seeds through bilateral agreements with countries of origin as well. According to Sri. Archak to access a few varieties India has to shed its sovereignty on substantial per cent of its PGRFA.

The expansion of Annex 1 is inconsistent with ITPGRFA and Convention on Biological Diversity

The proposed amendment is against the original intent and the mandate of the MLS under the Treaty as reflected in Preamble, Article 11.1 and Annex 1, i.e MLS is for negotiated selection of PGRFA of food and forage crops, selected on the basis of the importance for food security and interdependence between countries to access genetic diversity belonging to such crops.

This system with an intent to be used for a limited and specific PGRFA also does not have an effective system of tracking and tracing to prevent the use of shared resources beyond the purposes of food agriculture. Above, Treaty MLS and Secretariat have a very bad track record of transparency when it comes to sharing PGRFA. It must be noted that Article 15 institutions share DSI/GSD generated from the treaty MLS so users can anonymously access online databases. Thus sharing all PGRFA will effectively frustrate national ABS laws for plant genetic resources. Neither use under MLS nor use beyond the scope of MLS can be detected.

In this context it must also be kept in mind that there are other proposed measures in the draft package of measures, which incorporates confidentiality clauses, legitimizing current non-transparent practices of the Treaty Secretariat. Also there proposals on DSI/GSD under the draft has the potential of legitimizing the anonymous sharing of data to databases that are not accountable to the Governing Body as well as Government of India, located outside of India's Jurisdiction.

Therefore the proposals to expand MLS Annex 1 needs to be rejected. The process of enhancing the functioning of MLS needs for holistic reforms of the operations and governance of MLS and agenda needs further discussions.

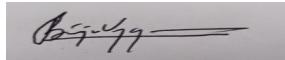
India Needs a Negotiator with No Conflict of Interests

It is clear that Dr. Sunil Archak, is the co-chair of the Working Group and the proposed amendments are from the Co Chairs. His presentation was providing justifications for the amendment, which he co-authored rather than a clear cost and benefit analysis from a national interest perspective. This is evident from the skewed perspectives which he presented during the consultation meeting. We are concerned about this conflict of interests he is bearing. Hence, a dedicated negotiator to be appointed to defend the national interest. It is also to be noted that as a Co-chair Sri Archak cannot negotiate for the government of India. It must be noted that the issue of expansion of Annex 1 is not any more a matter of plant breeding, but a matter that affects the permanent sovereignty of India over its plant genetic resources as such.

Against this background we request you to:

- Appoint a skilled negotiator from the Ministry of External Affairs with exposure to WTO negotiations must be appointed as negotiator for India as early as possible.
- Hold consultations with stakeholders like farmers organizations and national and state biodiversity authorities must be conducted before India finalizes its national position.

Sincerely,



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