



FOOD ON THE NEGOTIATION TABLE: WHAT'S ON THE MENU?

Governing Body of the
Plant Treaty set to convene
in Peru to discuss access
and benefit sharing

The **Plant Treaty** establishes the first legally binding global framework dedicated to conserving, using, and sharing crop genetic diversity through a **Multilateral System (MLS)** covering **35 food crops** and **29 forages** to ensure **global food security**.

The MLS has enabled the **exchange of 6.7 million plant genetic resources** through **112,000 Standard Material Transfer Agreements** but very little money has flowed into the Benefit-sharing Fund from users.

The **Governing Body** of the Plant Treaty will **convene in Peru** to negotiate **enhancement of the Multilateral System** for **access and benefit sharing**. However, the draft text of the package of measures to enhance the system still contain many brackets.



Background

The International Treaty on Plant Genetic Resources for Food and Agriculture (Plant Treaty) was adopted at the Food and Agriculture Organization (FAO) Conference in Rome in 2001 and came into force in 2004. It is the first legally binding international agreement dedicated to crop genetic diversity, which includes different species such as wheat and rice, apples and pears, the many varieties within these crops such as Basmati and Jasmine rice, and the traits found in cultivated plants and their wild relatives. The treaty's main goal is to conserve crop diversity, promote its sustainable use, and ensure that the benefits are shared fairly so it can continue to support global food security. As of now, the treaty's governing body comprises 154 countries.

At the heart of the treaty is the Multilateral System (MLS) that governs the sharing of genetic resources from 35 major food crops and 29 forages. These together make up about 80 per cent of the world's plant-based diet and are described in Annexure 1 of the Treaty (*see Table 1: ITPGRFA Annex 1*). These include staples like rice, wheat, maize, and potatoes.

When a country adopts the Plant Treaty, it agrees to make the genetic diversity of these crops, particularly from public gene banks, available to all other members through the MLS. International research institutes and organizations have also voluntarily contributed their collections. The MLS makes it easier for researchers, farmers, breeders, and companies to access these resources. Instead of negotiating with each country or gene bank separately, users can request samples directly, saving both time and cost. Anyone seeking access to plant genetic resources must sign a Standard Material Transfer Agreement (SMTA), which sets the terms and conditions to ensure compliance with the treaty when plant genetic material is transferred. The SMTA regulates exchanges of plant genetic material, prevents their misuse,

FACTSHEET

FOOD ON THE NEGOTIATION TABLE

Table 1: ITPGRFA Annex 1

FOOD CROPS		
Crop	Genus	Observations
Breadfruit	<i>Artocarpus</i>	Breadfruit only
Asparagus	<i>Asparagus</i>	
Oat	<i>Avena</i>	
Beet	<i>Beta</i>	
Brassica complex	<i>Brassica</i> et al.	Genera included are: <i>Brassica</i> , <i>Armoracia</i> , <i>Barbarea</i> , <i>Camelina</i> , <i>Crambe</i> , <i>Diplotaxis</i> , <i>Eruca</i> , <i>Isatis</i> , <i>Lepidium</i> , <i>Raphanobrassica</i> , <i>Raphanus</i> , <i>Rorippa</i> , and <i>Sinapis</i> ; this comprises oilseed and vegetable crops such as cabbage, rapeseed, mustard, cress, rocket, radish, and turnip; the species <i>Lepidium meyenii</i> (maca) is excluded
Pigeon Pea	<i>Cajanus</i>	
Chickpea	<i>Cicer</i>	
Citrus	<i>Citrus</i>	Genera <i>Poncirus</i> and <i>Fortunella</i> are included as root stock
Coconut	<i>Cocos</i>	
Major aroids	<i>Colocasia</i> , <i>Xanthosoma</i>	Major aroids include taro, cocoyam, dasheen and tannia
Carrot	<i>Daucus</i>	
Yams	<i>Dioscorea</i>	
Finger Millet	<i>Eleusine</i>	
Strawberry	<i>Fragaria</i>	
Sunflower	<i>Helianthus</i>	
Barley	<i>Hordeum</i>	
Sweet Potato	<i>Ipomoea</i>	
Grass pea	<i>Lathyrus</i>	
Lentil	<i>Lens</i>	
Apple	<i>Malus</i>	
Cassava	<i>Manihot</i>	<i>Manihot esculenta</i> only
Banana / Plantain	<i>Musa</i>	Except <i>Musa textilis</i>
Rice	<i>Oryza</i>	
Pearl Millet	<i>Pennisetum</i>	
Beans	<i>Phaseolus</i>	Except <i>Phaseolus polyanthus</i>
Pea	<i>Pisum</i>	
Rye	<i>Secale</i>	
Potato	<i>Solanum</i>	Section <i>tuberosa</i> included, except <i>Solanum phureja</i>
Eggplant	<i>Solanum</i>	Section <i>melongena</i> included
Sorghum	<i>Sorghum</i>	
Triticale	<i>Triticosecale</i>	

FACTSHEET

FOOD ON THE NEGOTIATION TABLE

FOOD CROPS		
Crop	Genus	Observations
Wheat	<i>Triticum</i> et al.	Including <i>Agropyron</i> , <i>Elymus</i> , and <i>Secale</i>
Faba Bean / Vetch	<i>Vicia</i>	
Cowpea et al.	<i>Vigna</i>	
Maize	<i>Zea</i>	Excluding <i>Zea perennis</i> , <i>Zea diploperennis</i> , and <i>Zea luxurians</i>

FORAGE CROPS	
Genera	Species
LEGUME FORAGES	
<i>Astragalus</i>	<i>chinensis</i> , <i>cicer</i> , <i>arenarius</i>
<i>Canavalia</i>	<i>ensiformis</i>
<i>Coronilla</i>	<i>varia</i>
<i>Hedysarum</i>	<i>coronarium</i>
<i>Lathyrus</i>	<i>cicera</i> , <i>ciliolatus</i> , <i>hirsutus</i> , <i>ochrus</i> , <i>odoratus</i> , <i>sativus</i>
<i>Lespedeza</i>	<i>cuneata</i> , <i>striata</i> , <i>stipulacea</i>
<i>Lotus</i>	<i>corniculatus</i> , <i>subbiflorus</i> , <i>uliginosus</i>
<i>Lupinus</i>	<i>albus</i> , <i>angustifolius</i> , <i>luteus</i>
<i>Medicago</i>	<i>arborea</i> , <i>falcata</i> , <i>sativa</i> , <i>scutellata</i> , <i>rigidula</i> , <i>truncatula</i>
<i>Melilotus</i>	<i>albus</i> , <i>officinalis</i>
<i>Onobrychis</i>	<i>viciifolia</i>
<i>Ornithopus</i>	<i>sativus</i>
<i>Prosopis</i>	<i>affinis</i> , <i>alba</i> , <i>chilensis</i> , <i>nigra</i> , <i>pallida</i>
<i>Pueraria</i>	<i>phaseoloides</i>
<i>Trifolium</i>	<i>alexandrinum</i> , <i>alpestre</i> , <i>ambiguum</i> , <i>angustifolium</i> , <i>arvense</i> , <i>agrocicerum</i> , <i>hybridum</i> , <i>incarnatum</i> , <i>pratense</i> , <i>repens</i> , <i>resupinatum</i> , <i>rueppellianum</i> , <i>semipilosum</i> , <i>subterraneum</i> , <i>vesiculosum</i>
GRASS FORAGES	
<i>Andropogon</i>	<i>gayanus</i>
<i>Agropyron</i>	<i>cristatum</i> , <i>desertorum</i>
<i>Agrostis</i>	<i>stolonifera</i> , <i>tenuis</i>
<i>Alopecurus</i>	<i>pratensis</i>
<i>Arrhenatherum</i>	<i>elatius</i>
<i>Dactylis</i>	<i>glomerata</i>
<i>Festuca</i>	<i>arundinacea</i> , <i>gigantea</i> , <i>heterophylla</i> , <i>ovina</i> , <i>pratensis</i> , <i>rubra</i>
<i>Lolium</i>	<i>hybridum</i> , <i>multiflorum</i> , <i>perenne</i> , <i>rigidum</i> , <i>temulentum</i>
<i>Phalaris</i>	<i>aquatica</i> , <i>arundinacea</i>
<i>Phleum</i>	<i>pratense</i>
<i>Poa</i>	<i>alpina</i> , <i>annua</i> , <i>pratensis</i>
<i>Tripsacum</i>	<i>laxum</i>

FACTSHEET

FOOD ON THE NEGOTIATION TABLE

FORAGE CROPS	
Genera	Species
OTHER FORAGES	
<i>Atriplex</i>	<i>halimus, nummularia</i>
<i>Salsola</i>	<i>vermiculata</i>

Source: <https://www.fao.org/fileadmin/templates/agphome/documents/PGR/PubPGR/ResourceBook/annex1.pdf>

and ensures that any commercial benefits that arise are fairly and equitably shared. These SMTAs are managed by the Governing Body of the Treaty.

If the recipient transfers the accessed material to another party, they must use the same SMTA contract, thereby creating a chain of SMTAs that ensures all subsequent recipients are bound by the MLS rules. Access is provided solely for the purpose of utilization and conservation for research, breeding, and training for food and agriculture. Recipients are prohibited from claiming intellectual property or other rights that limit the facilitated access to the material in the form received from the MLS.

According to Third World Network, an international think tank, as of 2025, around 112,000 SMTAs have facilitated the exchange of 6.7 million plant genetic resources with 25,300 users since the MLS became operational.¹

However, only six seed companies have contributed to the Benefit-sharing Fund (BSF), collecting a mere total of US \$824,680, of which 89 per cent has come from one firm (see *Table 2: Contributions to the benefit-sharing fund*). Overall, the funds with the BSF equal US \$36,853,434 and voluntary contributions from parties have been the primary source of funding.²

Here are a few examples of benefit sharing:

- In 2018, Nunhems Netherlands B.V., a Dutch vegetable seed company (then owned by Bayer, later BASF), became the first entity to make a royalty payment to

the International Treaty's Benefit-sharing Fund. It contributed US \$119,083, equivalent to 0.77 per cent of sales from ten vegetable varieties developed using genetic material sourced from two gene banks: the Centre for Genetic Resources in the Netherlands and the Leibniz Institute of Plant Genetics in Germany.³

- In 2020, the Dutch seed company Bejo Zaden B.V. also contributed to the Benefit-sharing Fund after developing a commercial product using plant genetic material accessed through the Multilateral System (MLS) from the Centre for Genetic Resources (CGN), Netherlands. The amount was reported to be around US \$31,688.⁴

Benefits resulting from the use of genetic resources are shared multilaterally and flow to the system as a whole, rather than to the individual provider. Monetary benefits are channeled into the Benefit-sharing Fund, managed by the Governing Body.

The payment obligation is tied to commercialization and restrictions on use. A recipient must pay an equitable share of the benefits if they commercialize a product that incorporates MLS material and that product's availability is restricted (e.g., through Intellectual Property Rights). The standard royalty rate is 0.77 per cent of the net sales. Recipients may opt for a subscription system where they pay 0.5 per cent on the sales of all plant genetic resources for food and agriculture (PGRFA) products of the same crop as the accessed material for ten years, in exchange of unlimited access to that crop's material in the MLS. Users can also share non-monetary benefits, which include the exchange of information, access to and transfer of technology, and capacity building.

The Benefit-sharing Fund (BSF) of the Treaty is part of the funding strategy of the Multilateral System of Access and

Table 2: Contributions to the benefit-sharing fund

MLS USER-BASED INCOME	USD	(%)
Canadian seed company	3,187	
Nunhems Netherlands BV	732,301	
Bejo Zaden BV	88,135	
Uniquet Pty Ltd	218	
Zollinger Bio	355	
NuCicer	484	
Subtotal	824,680	2.2%
VOLUNTARY CONTRIBUTIONS		
CONTRACTING PARTIES		
Australia	1,588,815	
Austria	24,176	
Germany	587,896	
European Commission	5,565,907	
Indonesia	100,000	
Ireland	659,800	
Italy	10,208,822	
Norway	11,567,159	
Spain	2,348,935	
Sweden	244,903	
Switzerland	222,461	
Subtotal	33,118,873	90%
PRIVATE SECTOR		
European Seed Association	339,751	
SEMAE	988,534	
Federation of Seed Industry of India	24,364	
International Seed Federation	49,280	
Subtotal	1,401,929	3.8%
INTERNATIONAL MECHANISMS AND FUNDS		
IFAD	1,500,000	
Subtotal	1,500,000	4.07%
NON-GOVERNMENTAL ORGANIZATIONS AND OTHERS		
ProSpecieRara Hauptsitz	1,536	
Subtotal	1,536	0.004%
INNOVATIVE INITIATIVES FROM INTERNATIONAL TREATY STAKEHOLDERS		
Seed trade licencing platform	6,416	
Subtotal	6,416	0.02%
GRAND TOTAL	36,853,434	100%

Source: <https://openknowledge.fao.org/server/api/core/bitstreams/ec9aab65-a5bd-4948-a990-73890173a52d/content>

Benefit-sharing. BSF was launched in 2009 and by April 2025, it had invested US \$35 million in 108 projects in 78 developing countries.⁵

The FAO website mentions that the BSF has reached more than one million people directly and indirectly, and the beneficiaries include small-scale farmers, researchers, breeders, gene bank curators, governmental officials, students, and academics. It supports plant breeding efforts and at least 30,000 plant genetic materials have been tested, developed, and adapted to different locations and agro-ecological environments around the world under this fund. Some 400 new varieties have been developed to meet farmers' preferences in terms of taste, nutrition, yield, and economic and cultural values. More than 6,200 plant genetic resources, including landraces and underutilized crops, have been collected by partners. This material is being conserved in community seed banks and national gene banks, and in some cases, in international collections and the Svalbard Global Seed Vault. Through the Multilateral System (MLS) of the International Treaty, the BSF has enabled the access to and use of PGRFA, which in turn has generated almost 20,000 new materials in the Multilateral System, thereby reinforcing the system.⁶

To improve access and benefit sharing, parties are currently negotiating a package of measures to 'enhance' the MLS. The work on this began in 2013 when an Ad Hoc Open-ended Working Group to Enhance the Functioning of the Multilateral System (OEWG/MLS) was established. However, after many years of intense negotiations and informal consultations, the process came to a standstill in 2019 because parties could not come to a consensus. The process was restarted in 2022 and in the Governing Body meeting in November 2023, it was decided to build on the package proposed in 2019.⁷

DISCUSSIONS ON THE MLS IN GOVERNING BODY MEETINGS

MADRID, SPAIN (JUNE 2006)

The foundation of the Plant Treaty was established. Delegates adopted the Standard Material Transfer Agreement (SMTA), which sets the rules for sharing genetic material benefit-sharing. A funding strategy was adopted and a compliance committee was created.

GB-1

ROME, ITALY (OCTOBER, 2007)

Members addressed implementation issues. Key outcomes included the adoption of the work programme, the passage of a resolution concerning farmers' rights, and the budget for 2008–09.

GB-2

TUNISIA (JUNE 2009)

Delegates established a financial target of US\$116 million for the benefit-sharing fund for the period up to December 2014. They agreed on a mechanism to monitor the SMTA and set up an intersessional committee to address problems with MLS implementation.

GB-3

BALI, INDONESIA (MARCH 2011)

Delegates adopted compliance procedures and mechanisms including rules on how non-compliance would be addressed. They reached consensus on the Governing Body's financial rules and passed resolutions on sustainable use and implementation of the Funding Strategy.

GB-4

MUSCAT, OMAN (SEPTEMBER 2013)

Members acknowledged the crisis of insufficient benefit-sharing funds and set up the Ad Hoc Working Group to Enhance the Functioning of the MLS to develop ways of increasing user-based payments and ensuring more predictable contributions to the Benefit-sharing Fund (BSF).

GB-5

ROME (OCTOBER, 2015)

The systemic crisis in Access and Benefit Sharing (ABS) dominated the Governing Body sessions. Delegates formally recognized the shortfall in benefit-sharing and proposed moving from a commercialization-only model to a subscription-based payment system to secure more predictable funding for the BSF.

GB-6

KIGALI (OCTOBER, 2017)

The debate escalated on the issue of Digital Sequence Information (DSI). Developing countries argued that DSI derived from genetic resources must trigger benefit-sharing but this was opposed by developed countries. GB-7 extended the Working Group's mandate to revise the SMTA and explore the expansion of Annex I.

GB-7

ROME (NOVEMBER, 2019)

Despite intensive intersessional negotiations, discussions collapsed as delegates failed to agree on the SMTA revision and MLS enhancement due to the disagreements over DSI and benefit-sharing rates. GB adopted a new Funding Strategy setting an ambitious target of US \$0.9–1 billion per year over ten years to support the BSF and national implementation efforts.

GB-8

NEW DELHI (SEPTEMBER, 2022)

Following the deadlock, the ninth session was a significant milestone, with delegates successfully restarting MLS negotiations under what became known as the 'New Delhi Commitment.'

GB-9

ROME (NOVEMBER, 2023)

Delegates agreed on a roadmap for Working Group meetings before GB-11. The African Group demanded a binding contribution of 0.1 per cent of the seed industry's annual turnover for the BSF, while Asian countries called for benefit-sharing to extend to sale of both seeds and products developed using Treaty materials.

GB-10

Source: FAO

Working Group Negotiations (2014–2025)

- **1st Meeting of the Working Group on MLS enhancement, Geneva, Switzerland (14–16 May, 2014)**

The Working Group (WG), created by the Governing Body (GB) in its fifth session in 2013, immediately focused on the main problem: the shortage of money in the BSF. It reviewed the factors behind the funding gap and agreed that the MLS must be made more attractive to both providers and users of genetic materials. The group stressed the need for innovative, diversified income-generation mechanisms for the BSF and broadly supported strengthening both the MLS and the SMTA. It was agreed that an effective benefit-sharing system is inseparable from a well-functioning MLS. To improve access, all materials in the system, even those held by private groups, should be made available in a transparent manner.⁸

- **2014: 2nd Meeting of the Working Group on MLS enhancement, Geneva, Switzerland (9–11 December, 2014)**

The Working Group decided that an improved MLS must prioritize stronger incentives for users, particularly the seed industry, to engage with the system. This included reducing the paperwork associated with the current SMTA and ensuring greater legal certainty for users regarding access and benefit-sharing obligations. To make the system more attractive, the group emphasized adding more valuable collections of germplasm to the system, especially publicly held materials with well-documented traits, and discussed ways to encourage non-Party countries to join the Treaty. Discussion centered on revising the SMTA, especially its payment structure. They suggested that payment rates could vary according to product type, crop, or user. The Working

Group also focused on benefits beyond just money. The group stressed the importance of non-monetary benefits, such as sharing expertise (capacity-building), transferring technology, and exchanging information. There was an initial discussion on expanding the list of crops covered by the MLS (Annex I) to include all food and agriculture resources. However, several members cautioned that they would only support such an expansion if firm measures to increase user payments were adopted first.⁹

- **3rd Meeting of the Working Group on MLS enhancement, Brasília, Brazil (2–5 June, 2015)**

Since no payments had yet been made to the BSF under the old system, the group recognized the severe structural weaknesses of the MLS. As all regional groups strongly favoured it, the WG focused on developing a Subscription Model intended to become the primary benefit-sharing mechanism, replacing the restrictive commercialization-only rule and ensuring predictable, sustainable income. Members agreed on a stepwise approach, beginning with revising the SMTA to incorporate the Subscription Model so that it could be adopted at the next Governing Body session. Although there was broad agreement on the Subscription Model, full consensus remained incomplete, with bracketed options reflecting disagreements on whether the Subscription Model should be the sole mechanism or coexist with a single-access option, whether payment obligations under the previous voluntary scheme should become mandatory, and whether rates should be differentiated by crop or user category. Alongside these debates, the WG continued discussions on expanding Annex I and strengthening non-monetary benefits, including capacity-building and technology transfer.¹⁰

- **4th Meeting of the Working Group on MLS enhancement, Rome, Italy (2–5 October, 2015)**

The aim of this meeting was to review progress and prepare recommendations for GB-6. The WG focused on improving benefit-sharing through a Subscription Model, which would allow regular payments to the Benefit-sharing Fund (BSF) from the users of genetic resources. Members reviewed key documents, including a draft revised SMTA, a commentary on the Subscription Model, and proposals for Party contributions and possible treaty amendments. Although there was broad support for the Subscription Model, some details remained unresolved. The Working Group recommended that its mandate be extended for 2016–17 to refine the Subscription Model, explore other payment options, and address funding gaps. It also urged countries to make interim contributions to the BSF, and agreed to meet during GB-6 to finalize resolutions for adoption.¹¹

- **5th Meeting of the Working Group on MLS enhancement, Geneva, Switzerland (12–14 July, 2016)**

GB-6 extended the Working Group's mandate to continue improving the MLS and raise benefit-sharing payments. The meeting centered on developing a Subscription System that would generate regular payments from users of plant genetic resources. The group reviewed a draft revised SMTA and discussed key details such as the scope of subscriptions (all crops or selected crops), how payment rates should be set—including possible lower rates for small users—requirements for legal clarity, monitoring and transparency, procedures for subscriber withdrawal, and how to ensure the model remained consistent with the Treaty's provisions. They agreed to retain the existing single-access payment options but proposed changes such as making all payments mandatory and adding advance payment mechanisms

to guarantee immediate revenue for the Fund. New discussions also emerged on whether DSI should fall within the MLS, and while the idea of expanding Annex I was raised, members stressed that stronger financial flows and greater trust were essential before any expansion could proceed.¹²

- **6th Meeting of the Working Group on MLS enhancement, Rome, Italy (13–17 March, 2017)**

The group reviewed progress since the last meeting, including inputs from legal experts and special advisory groups. They completed work on the revised SMTA, which included detailed terms for the Subscription System. However, some key points—payment formulas and whether payments should be mandatory—remained unresolved. Members also revisited the question of expanding Annex I: some supported extending coverage to all plant genetic resources for food and agriculture, while others preferred to wait until the new funding model demonstrated its effectiveness. DSI emerged as a major point of debate. Members agreed it was important but highly complex, noting that it could enable users to derive benefits without contributing to benefit-sharing. They recommended further study and coordination with the Convention on Biological Diversity (CBD) before making decisions. Finally, the group discussed how to launch the enhanced MLS and ensure steady funding, suggesting further consultations with the seed industry to make the system more practical.¹³

- **7th Meeting of the Working Group on MLS enhancement, Rome, Italy (5–7 September, 2017)**

The goal was to reach final compromises on unresolved issues before presenting a proposal to GB-7. The Co-chairs presented a draft proposal to guide discussions and prepare a final report for GB-7. The meeting

focused mainly on refining the subscription system, a new mechanism to generate steady payments for the BSF. The group was informed that 23 seed companies from Asia, Europe, and North America had signed a declaration showing interest in joining the system, provided certain conditions were met. To make the system more practical and appealing, members discussed keeping two payment options, ensuring mandatory payments, minimizing administrative costs, clarifying the legal meaning of sales, and setting a minimum subscription period of 10 years. Discussions also continued on expanding the list of crops (Annex I) and linking this to effective benefit-sharing. A new idea called the Growth Plan was introduced, suggesting that system improvements and crop list expansion should be implemented together for better balance. Finally, the group reviewed a draft resolution on MLS enhancement and asked the Co-chairs to submit it along with their final proposal to GB-7.¹⁴

- **8th Meeting of the Working Group on MLS enhancement, Rome, Italy (10–12 October, 2018)**

The group continued revising the SMTA and prepared an updated draft for discussion at the next meeting. A central point of debate was whether Digital Sequence Information (DSI) should be incorporated into the revised agreement, with members holding divergent views. Discussions also covered potential expansion of Annex I—while some favoured extending coverage to all plant genetic resources, others urged caution. The Co-chairs presented four possible approaches to expansion, and several Latin American countries stressed that only public, government-held materials should be included. The group also discussed a Growth Plan that would link adoption of the new SMTA to crop list expansion so that both could take effect simultaneously. Despite differing

views, most members agreed that the Growth Plan could help balance broader access to crops with stronger benefit-sharing, and build trust among countries and the private sector.¹⁵

- **9th Meeting of the Working Group on MLS enhancement, Rome, Italy (17–21 June, 2019)**

The goal aimed to finalize a full package of measures to improve the MLS for submission to the GB for approval. Despite good progress, the group ran out of time, and the meeting was suspended, with an Interim Report forwarded to the GB-8 for further discussion. Members reviewed and finalized a draft of the revised SMTA, including new payment rates under the Subscription System and other payment options. They also agreed to recommend an updated crop list (Annex I) and included parts of the growth plan, linking crop expansion and benefit-sharing into a draft resolution.¹⁶

- **10th Meeting of the Working Group on MLS enhancement, Rome, Italy (12–14 July, 2023)**

The 10th Working Group meeting in July 2023 revived the 2019 package, with many favouring a subscription-only system for its predictability and a general agreement that the Treaty should independently manage DSI benefit-sharing.¹⁷

- **11th Meeting of the Working Group on MLS enhancement, Rome, Italy (16–18 April, 2024)**

The working group failed to finalize any draft text despite deeper discussions on enforcement and intellectual property rights.¹⁸

- **12th Meeting of the Working Group on MLS enhancement, Rome, Italy (16–19 September, 2024)**

Progress was made at the 12th meeting which proposed

a dual-trigger payment mechanism (offering early registration payments or deferred commercialization payments), a model that received broad support. However, consensus was still elusive regarding DSI definitions and benefit-sharing rates.¹⁹

- **13th Meeting of the Working Group on MLS enhancement, Rome, Italy (1–4 April, 2025)**

The meeting saw deep political divisions re-emerge—developing countries demanded subscription-only models and binding DSI benefit-sharing, while developed countries continued to support the dual or hybrid system.²⁰

- **14th Meeting of the Working Group, Lima, Peru (7–11 July, 2025)**

The disagreements were carried into the 14th and final Working Group meeting in July 2025 in Lima. The Co-chairs' proposal, backed by developed countries, excluded DSI from the SMTA, which developing nations immediately protested. Disagreements persisted over DSI, payment models (subscription-only vs. hybrid), and the scope of Annex I expansion. When it came to Annex I, developed countries generally favoured full expansion, with some suggesting a 'negative list', while developing nations like Malaysia, Nepal, and the Philippines, preferred a cautious, phased approach. The African Group proposed a 'positive list,' approach and latin American countries were open to full expansion, provided it guaranteed real financial returns.²¹

Agenda for discussion at GB-11

The next Governing Body meeting (GB-11) is scheduled on 24 November, 2025 in Lima, Peru. At this meeting, delegates will discuss the amendments to the Multilateral System of Access

and Benefit-sharing of the Treaty. The issues for concern pertain to three areas and are as follows:

- 1) Proposed amendments to the treaty's Annex 1
- 2) Proposed amendments to the SMTA
- 3) Governance issues related to adopting these amendments

Expansion of the Annex 1

This proposes an expansion of the genetic resources covered under the MLS from the current 64 selected crops/forages to all plant genetic resources for food and agriculture (PGRFA). The expansion applies particularly to PGRFA under the management and control of contracting parties, in the public domain, and in ex-situ collections. The amendment includes a proposed 'one-time negative list,' allowing contracting parties to exempt a limited number of species from Annex 1 at the time of ratification. Biodiversity-rich countries argued that this proposal undermines the sovereign rights of contracting parties over their PGRFA. They noted that it departs from the Treaty's original understanding of the MLS as a negotiated selection of PGRFA based on food security and interdependence, thereby altering the structure of the Treaty itself. It risks making national Access and Benefit-sharing (ABS) regimes (developed under the Convention on Biological Diversity (CBD) and Nagoya Protocol) redundant when it comes to plant genetic resources. They also argued that a negative list would be difficult to implement, particularly for agro-biodiversity-rich developing countries, and that it would undermine a Party's sovereign authority to determine access. The expansion threatens to increase biopiracy to unprecedented levels and promotes a system of use or misuse of shared resources which is undetectable. A negative list does not help as 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, it's still a big sweep from 64 to 30,000 plants. New plants are being discovered each day and are being added to the list. The expansion threatens to increase biopiracy to unprecedented levels and promotes a system of use or misuse of shared resources which is undetectable.

Amendments to SMTA

The discussions include benefit-sharing obligations under the SMTA. To improve benefit sharing, negotiators have proposed a 'dual-access' system which would allow companies to acquire seeds either through a subscription model where they have to pay a fixed fee for broad access or through the single-access model, in which payment is made only when a product is commercialized. A subscription system is merely rebranding an existing mechanism under the SMTA. Critics say the flexibility of this system gives too much freedom to companies and allows them to opt for alternative payment methods that permit prolonged delays or even complete avoidance of payments after years of deferral. As there is currently little monitoring to detect the commercial use of PGRFA in products, the system relies on the goodwill of the seed industry to disclose commercialization. The sharing of benefits can be avoided even when companies cultivate modified crops exclusively for their own use (e.g., food processing or brewing companies) and continue selling final products without ever being required to share benefits.

There is also lack of clarity about how benefits would be shared in case of the use of Digital Sequence Information/ Genetic Sequence (DSI/GSD). The Co-chairs propose addressing DSI/GSD through a non-legally binding Draft Resolution. Even developed countries favour maintaining language supporting 'open access' to DSI/GSD. Developing countries (Africa, Asia, GRULAC) demand DSI/GSD be addressed within the legally binding Standard Material Transfer Agreement (SMTA). At present, 'open access' lacks

an internationally agreed definition and legitimizes the current status quo where DSI is shared through databases primarily funded or hosted by developed countries, giving them de facto control. This risks acceleration of digital biopiracy.

Governance and transparency

The proposed amendments introduce three more confidentiality clauses within the SMTA. This further exacerbates the current lack of transparency and unaccountable functioning of the MLS. The increase in confidentiality clauses allows users to hide from national authorities and undermines the sovereign rights of States and promotes intellectual property claims and other rights over resources without acknowledging the original provider.

Farmers groups and country positions

Farmers' groups, seed savers, researchers, and environmental advocates across India have warned that the new international agreement could allow global corporations to access India's traditional seeds without adequate safeguards for farmers' rights. In India, one of the strongest criticisms is the lack of consultation with farmers' groups and state governments, even though the outcome could directly affect their seeds, knowledge, and rights. It was only after receiving letters²² from these groups that the government held a consultation organized by the Protection of Plant Varieties and Farmers' Rights Authority on 27 October, 2025. The meeting further perturbed groups like the Alliance for Sustainable and Holistic Agriculture (ASHA)-Kisan Swaraj, Rashtriya Kisan Mahasangh, Bharat Beej Swaraj Manch (BBSM), and Scientists for Genetic Diversity (SGD) who wrote to high-ranking government officials, including PM Narendra Modi and ministers Shivraj Singh Chouhan and Bhupender Yadav, urging them to protect India's sovereignty and farmers' rights.

Other than concern with the enhancement package itself, they also had concerns over conflict of interest in the proceedings being held under the co-chairmanship of Sunil Archak, who is also the officer in charge of Germplasm Exchange (NBPGR). They pointed out that his actions do not defend India's national interests. For example, at the consultative meeting, Archak maintained that the enhancements were not obligatory, which the civil society groups maintain, is false.

At a meeting Archak also stated that India is not currently providing seeds to the MLS. However, according to a government notification, India has already provided more than 400,000 samples to the MLS and this material includes farmers' varieties.²³

Archak maintained that India needs the MLS to be expanded to gain access to resources from crops like soyabean, tomato, groundnut and oil palm but experts argued that benefit of accessing just a few crops like soyabean and tomato does not justify the massive cost of giving up India's sovereign rights over its genetic resource base. They note that India already possesses substantial diversity in these crops and can access additional varieties through bilateral agreements, avoiding the need to surrender its national sovereignty.

Based on these concerns, farmer organizations and scientists are demanding that the Government of India take several key actions at the GB-11 in Lima:

- reject proposal to expand Annex 1 to include all plant genetic resources for food and agriculture (PGRFA) as it undermines India's sovereignty rights.
- call for mandatory transparency, including making a list of recipients and the details of PGRFA, accessed through the MLS publicly available.

- oppose the newly introduced confidentiality clauses in the SMTA.
- insist on measures to regulate DSI, ensuring it is shared only through accountable databases and preventing its use for unauthorised activities or for claiming IPRs.
- appoint a skilled negotiator with experience in multilateral negotiations, potentially from the Ministry of External Affairs, to attend GB-11.
- coordinate with likeminded countries in the Global South to demand comprehensive reforms to MLS governance, transparency, and traceability before any expansion is adopted.

India is not alone in its concerns. Countries in Africa, Asia, and Latin America have also criticized the draft package. On 12 September 2025, Bharat Beej Swaraj Manch, a national coalition of farmers' group in India, along with more than 280 organizations and hundreds of individuals worldwide, sent a letter to Food and Agriculture Organization (FAO) Director-General Qu Dongyu and Treaty Secretary Kent Nnadozie. The appeal was signed by farmers' groups and civil society organizations from Asia, Africa, Latin America, Europe, and Oceania. Signatories include well-known groups like the African Centre for Biodiversity (South Africa), Asociación Nacional de Productores Ecológicos del Perú (Peru), Annadana Soil & Seed Savers Network (India), and Third World Network (Malaysia).²⁴

In May 2025, 49 organizations in Asia sent a letter to members of the Treaty calling for rejection of the proposed amendments to the Treaty and for comprehensive reforms to the SMTA and the Treaty to ensure greater accountability, transparency and equitable benefit-sharing. They also urged countries to oppose expanding the MLS's scope to all plant genetic resources; to strengthen governance— including for sequence data and monitoring mechanisms—by amending

the Treaty and the SMTA; to ensure clarity on DSI, and to extend monetary benefit sharing obligations to all industries from the food and agriculture sector, profiting from our genetic resources.²⁵

In April as well, 138 civil society organizations, farmers' groups, Indigenous Peoples and local communities wrote to developing-country Parties, urging them to not accept the changes that would dilute the provisions of the treaty. As many as 23 of these organizations were from India.²⁶

Discussions on these issues are not progressing, mainly because of political and business interests. For example, in the case of the expansion of Annex I, developed countries want to expand the list to cover all plant genetic resources, while developing nations prefer a cautious, phased approach. Countries like Malaysia, Nepal, and the Philippines support gradual inclusion, while Japan and South Korea favour full expansion. Latin American countries are open to full expansion but only if it brings real financial returns. African countries have proposed a 'positive list' approach, adding crops step by step. Meanwhile, some developed countries have suggested a 'negative list', where all crops are included, except a few that each country can exclude. Officials from Peru and Switzerland are reportedly putting pressure on developing countries to accept the proposal to expand plants covered by the MLS. Switzerland is the main proponent for expanding Annex 1.

Developing countries, particularly from Africa and Asia, have demanded stronger payment guarantees before agreeing to crop expansion. The African Group proposed that 0.1 per cent of the global seed industry's annual turnover be contributed to the Benefit-sharing Fund. Asian countries, in a written submission, called for extending benefit sharing beyond seed sales to include products developed using Treaty materials.

Conclusion

Critics argue amendments are short-selling developing countries' germplasm and undermining their sovereign rights and the rights of farmers, without securing adequate compensation or effective governance. The situation resembles trying to fill a leaky bucket (the Benefit-sharing Fund) by expanding the pipe feeding into it (MLS scope), while neglecting to fix the holes (accountability, mandatory payments, and transparency) that allow the resource (PGRFA and DSI) to flow out undetected and uncompensated.

The decision now hinges on the 11th meeting of the Governing Body (GB 11) of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) in Lima, Peru, between 24–29 November 2025. This meeting includes a high-level segment (HLS) with participation of ministers and deputy ministers of Parties to the ITPGRFA. However, the draft texts of the package of measures to enhance the functioning of the multilateral system still contain around 200 brackets.

REFERENCES

1. Third World Network (TWN). 2025. FAO: Proposals to amend Plant Treaty open door to corporate control and biopiracy? TWN Info Service on Biodiversity and Traditional Knowledge. <https://twon.my/title2/biotk/2025/btk250401.htm> (accessed on Nov. 13, 2025)
2. Food and Agriculture Organization of the United Nations (FAO). 2025. Benefit-sharing Fund: recent trends. <https://openknowledge.fao.org/server/api/core/bitstreams/ec9aab65-a5bd-4948-a990-73890173a52d/content> (accessed on Nov.13, 2025)
3. Food and Agriculture Organization of the United Nations (FAO). 2018. International Treaty Fund receives USD 119,000 for use of plant material. Rome, Italy: FAO. <https://www.fao.org/plant-treaty/news/news-detail/International-Treaty-Fund-receives-usd-119-000-for-use-of-Plant-Material/en> (accessed on Nov. 13, 2025)
4. Food and Agriculture Organization of the United Nations (FAO). 2020. Family-owned seed company pays into International benefit sharing fund. Rome, Italy: FAO. <https://www.fao.org/plant-treaty/news/news-detail/FAMILY-OWNED-SEED-COMPANY-PAYS-INTO-INTERNATIONAL-BENEFIT-SHARING-FUND-/en> (accessed on Nov. 13, 2025)
5. Food and Agriculture Organization of the United Nations (FAO). 2025. Main features, obligations and benefits under the International Treaty on Plant Genetic Resources for Food and Agriculture. https://www.fao.org/fileadmin/user_upload/legal/docs/Treaty_Ceremony/ITPGRFA_highlights__1_.pdf (accessed on Nov. 13, 2025)
6. Food and Agriculture Organization of the United Nations (FAO). n.d. Impact Figures: Benefit-sharing Fund of the International Treaty on Plant Genetic Resources for Food and Agriculture. <https://www.fao.org/plant-treaty/areas-of-work/benefit-sharing-fund/bsf-achievement/en> (accessed on Nov. 13, 2025)
7. ABS Focal Point. 2025. Enhancement of the Multilateral System of the ITPGRFA: work of the Working Group concluded. <https://absfocal-point.nl/en/news-5/enhancement-of-the-multilateral-system-of-the-itpgrfa-work-of-the-working-group-concluded.htm> (accessed on Nov. 13, 2025)
8. Food and Agriculture Organization of the United Nations (FAO). 2014. *Report of the First Meeting of the Ad Hoc Open-ended Working Group to Enhance the Functioning of the Multilateral*

System, Geneva, Switzerland, 14–16 May 2014. Rome, Italy: FAO.
Retrieved from <https://openknowledge.fao.org/server/api/core/bitstreams/024dbc29-609a-4b71-81cb-da812e34f021/content> (accessed on Nov. 13, 2025)

9. Food and Agriculture Organization of the United Nations (FAO). 2014. *Report of the Second Meeting of the Ad Hoc Open-ended Working Group to Enhance the Functioning of the Multilateral System, Geneva, Switzerland, 9–11 Dec 2014. Rome, Italy: FAO.* Retrieved from <https://openknowledge.fao.org/server/api/core/bitstreams/783bfdc3-8630-4123-91d1-d63de12170ee/content> (accessed on Nov. 13, 2025)
10. Food and Agriculture Organization of the United Nations (FAO). 2015. *Report of the Third Meeting of the Ad Hoc Open-ended Working Group to Enhance the Functioning of the Multilateral System, Brasilia, Brazil, 2–5 June 2015. Rome, Italy: FAO.* Retrieved from <https://openknowledge.fao.org/server/api/core/bitstreams/ae8da3c1-6486-455d-8c0a-8870c3c03e11/content> (accessed on Nov. 13, 2025)
11. Food and Agriculture Organization of the United Nations (FAO). 2015. *Report of the Fourth Meeting of the Ad Hoc Open-ended Working Group to Enhance the Functioning of the Multilateral System, Rome, Italy, 5–9 Oct 2015. Rome, Italy: FAO.* Retrieved from <https://openknowledge.fao.org/server/api/core/bitstreams/2038f8cf-a181-471a-bb52-6bb9ab96999d/content> (accessed on Nov. 13, 2025)
12. Food and Agriculture Organization of the United Nations (FAO). 2016. *Report of the Fifth Meeting of the Ad Hoc Open-ended Working Group to Enhance the Functioning of the Multilateral System, Geneva, Switzerland, 12–14 July 2016. Rome, Italy: FAO.* Retrieved from <https://openknowledge.fao.org/server/api/core/bitstreams/22049795-01ab-439c-a567-6fc1f1a34b0d/content> (accessed on Nov. 13, 2025)
13. Food and Agriculture Organization of the United Nations (FAO). 2017. *Report of the Sixth Meeting of the Ad Hoc Open-ended Working Group to Enhance the Functioning of the Multilateral System, Rome, Italy, 14–17 March 2017. Rome, Italy: FAO.* Retrieved from <https://openknowledge.fao.org/server/api/core/bitstreams/d9149c64-0621-48a0-8f65-5dc22ff67d1d/content> (accessed on Nov. 13, 2025)

14. Food and Agriculture Organization of the United Nations (FAO). 2017. *Report of the Seventh Meeting of the Ad Hoc Open-ended Working Group to Enhance the Functioning of the Multilateral System, Rome, Italy, 5 – 7 September 2017*. Rome, Italy: FAO. Retrieved from <https://openknowledge.fao.org/server/api/core/bitstreams/57a48bfd-9e83-4334-951b-49a06808876f/content> (accessed on Nov. 13, 2025)

15. Food and Agriculture Organization of the United Nations (FAO). 2018. *Report of the Eighth Meeting of the Ad Hoc Open-ended Working Group to Enhance the Functioning of the Multilateral System, Rome, Italy, 10–12 October 2018*. Rome, Italy: FAO. Retrieved from <https://openknowledge.fao.org/server/api/core/bitstreams/76277361-1b3f-4d46-8bca-eca36621178d/content> (accessed on Nov. 13, 2025)

16. Food and Agriculture Organization of the United Nations (FAO). 2019. *Report of the Ninth Meeting of the Ad Hoc Open-ended Working Group to Enhance the Functioning of the Multilateral System, Rome, Italy, 17–21 June 2019*. Rome, Italy: FAO. Retrieved from <https://openknowledge.fao.org/server/api/core/bitstreams/f0ae3b54-a4f9-4115-943a-4c3ffea3877a/content> (accessed on Nov. 13, 2025)

17. Food and Agriculture Organization of the United Nations (FAO). 2023. *Report of the Tenth Meeting of the Ad Hoc Open-ended Working Group to Enhance the Functioning of the Multilateral System, Rome, Italy, 12–14 July 2023*. Rome, Italy: FAO. Retrieved from <https://openknowledge.fao.org/server/api/core/bitstreams/c7cc4e9f-8f89-4713-97c0-e09f444b0d3e/content> (accessed on Nov. 13, 2025)

18. Food and Agriculture Organization of the United Nations (FAO). 2024. *Report of the Eleventh Meeting of the Ad Hoc Open-ended Working Group to Enhance the Functioning of the Multilateral System, Rome, Italy, 16–18 April 2024*. Rome, Italy: FAO. Retrieved from <https://openknowledge.fao.org/server/api/core/bitstreams/8f-fa72f6-126e-48cd-b576-51f0e7d4032a/content> (accessed on Nov. 13, 2025)

19. Food and Agriculture Organization of the United Nations (FAO). 2024. *Report of the Twelfth Meeting of the Ad Hoc Open-ended Working Group to Enhance the Functioning of the Multilateral System, Rome, Italy, 16–19 September 2024*. Rome, Italy: FAO. Retrieved from <https://openknowledge.fao.org/server/api/core/bitstreams/8913618c-eac9-46c1-9797-5be3db68594a/content> (accessed on Nov. 13, 2025)

20. Food and Agriculture Organization of the United Nations (FAO). 2025. *Report of the Thirteenth Meeting of the Ad Hoc Open-ended Working Group to Enhance the Functioning of the Multilateral System, Rome, Italy, 1–4 April 2025*. Rome, Italy: FAO. Retrieved from <https://openknowledge.fao.org/server/api/core/bitstreams/406e5305-d484-46e1-b45f-fa7924e6e59b/content> (accessed on Nov. 13, 2025)
21. Food and Agriculture Organization of the United Nations (FAO). 2025. *Report of the Fourteenth Meeting of the Ad Hoc Open-ended Working Group to Enhance the Functioning of the Multilateral System, Lima, Peru, 7–11 July 2025*. Rome, Italy: FAO. Retrieved from <https://openknowledge.fao.org/server/api/core/bitstreams/eeb5b5ce-c827-48f2-be74-db754105c3bc/content> (accessed on Nov. 13, 2025)
22. Chauhan, S. 2025. *Global Farmers' Alliance Warns Against Seed Treaty Reforms That Threaten Farmers' Rights*. <https://www.downtoearth.org.in/agriculture/global-farmers-alliance-warns-against-seed-treaty-reforms-that-threaten-farmers-rights> (assessed on Nov. 20, 2025)
23. Food and Agriculture Organization of the United Nations (FAO). 2016. Letter from Ministry of Agriculture & Farmers Welfare regarding the contribution of the Government of India to the Multilateral System of the Treaty. <https://openknowledge.fao.org/server/api/core/bitstreams/d18d4de8-3acc-439b-a9fc-47ceafcd6111/content> (accessed on Nov. 18, 2025)
24. Bharat Beej Swaraj Manch (Indian Seed Sovereignty Alliance). 2025. Enhancement of the Multilateral System (MLS) of Access and Benefit-Sharing (ABS) submitted to 11th Governing Body of the ITPGRFA and Implications on Farmers' Rights and National Sovereignty. <https://seedtreaty.org/static/documents/final-letter-english.pdf> (accessed on Nov. 13, 2025)
25. Varshney, V. 2025. Plant Treaty: Civil society organisations ask governments of Asian countries to reject amendments in the agreement <https://www.downtoearth.org.in/wildlife-biodiversity/plant-treaty-civil-society-organisations-ask-governments-of-asian-countries-to-reject-amendments-in-the-agreement> (accessed on Nov. 13, 2025)
26. Varshney, V. 2025. Plant treaty: Proposed amendments being discussed over the week could dilute benefit-sharing provisions. <https://www.downtoearth.org.in/wildlife-biodiversity/plant-treaty-proposed-amendments-being-discussed-over-the-week-could-dilute-benefit-sharing-provisions> (accessed on Nov. 13, 2025)

India's valuable plant genetic resources for food— the versatile farmer's varieties and landraces— might be laid open for plunder at the 11th meeting of the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA).

The Treaty's multilateral mechanism for access and benefit sharing will be discussed in Lima, Peru in November 2025. Fair negotiations to protect these genetic resources are vital for upholding food sovereignty and for ensuring that the benefits arising from their use accrue to the custodians who have long maintained them.



Centre for Science and Environment

41, Tughlakabad Institutional Area, New Delhi 110 062

Phone: 91-11-40616000 Fax: 91-11-29955879

E-mail: cse@cseindia.org Website: www.cseindia.org