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EDITORIAL ANALYSIS

# India's First Nagoya Protocol Report: A Global Template for ABS

 DOWN TO EARTH

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# India's First Nagoya Protocol Report: A Global Template for ABS

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## INTERVIEW ANGLE



*"India ratified the Nagoya–Kuala Lumpur Supplementary Protocol on liability for damage from LMOs in December 2014 — but the domestic legislation operationalising it remains pending. What would full implementation mean for India's biosafety regime?"*

## EDITORIAL SUMMARY:

Down to Earth argues that India submitted its first national report (November 2017 - December 2025) under the Convention on Biological Diversity's Nagoya Protocol, showing that it issued about 56% of global Internationally Recognised Certificates of Compliance (3,561 of 6,311) and mobilised ₹216.31 crore in Access and Benefit Sharing benefits with ₹139.69 crore disbursed. India's ABS architecture is now a global template, and although India ratified the Nagoya–Kuala Lumpur Supplementary Protocol on liability and redress in December 2014, the domestic legislative framework operationalising it remains to be fully implemented.

## THE NAGOYA PROTOCOL

The Nagoya Protocol is the principal international instrument operationalising the third objective of the Convention on Biological Diversity (CBD, 1992) — the fair and equitable sharing of benefits arising from the utilization of genetic resources.

INDICATOR	DETAIL
Full name	Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization
Adopted	October 29, 2010, Nagoya, Japan
Entry into force	October 12, 2014
Parties	142 (as of 2025)
Parent treaty	Convention on Biological Diversity (CBD), 1992

The protocol functions through a two-tier compliance system — **Prior Informed Consent (PIC)** from the country of origin and **Mutually Agreed Terms (MAT)** for benefit-sharing — combined with national-law compliance in both provider and user countries.

## INDIA'S DOMESTIC ARCHITECTURE

India's Access and Benefit Sharing regime is built on the **Biological Diversity Act 2002 (amended 2023)**.

INSTITUTION	ROLE
National Biodiversity Authority (NBA), Chennai	Statutory body — clears foreign-user access
State Biodiversity Boards (SBBs)	29 SBBs across states and UTs
Biodiversity Management Committees (BMCs)	~2.76 lakh at local level

Key statutory provisions:

- **Section 6 BDA:** Foreign user must seek NBA approval
- **Section 19 BDA:** Research and commercial-use clearances
- **People's Biodiversity Registers (PBRs):** Local documentation by BMCs

India ratified the **CBD on February 18, 1994** and the **Nagoya Protocol on October 9, 2012**.

## INDIA'S FIRST NAGOYA REPORT: THE HEADLINE NUMBERS

The reporting period covers **November 2017 to December 2025**.

INDICATOR	VALUE
India's share of global IRCCs	~56% (3,561 of 6,311)
ABS benefits mobilised (NBA)	₹216.31 crore
ABS benefits disbursed	₹139.69 crore
Additional through SBBs/UTBCs (Section 7)	₹51.96 crore
Beneficiaries	Indigenous communities, biodiversity-rich states, conservation entities

## Internationally Recognised Certificate of Compliance (IRCC)

An IRCC is the document evidencing PIC and MAT, posted at the ABS Clearing House under the protocol. It provides legal certainty to users in their home jurisdictions. India's 3,561 IRCCs — about 56% of the global total of 6,311 — make it the single largest operational ABS jurisdiction in the world. The next-largest are France (964), Spain (320) and Argentina (257).

## THE 2023 AMENDMENT DEBATE

The Biological Diversity (Amendment) Act 2023 generated a sharp policy debate.

- **Easing measures:** Compliance simplified for AYUSH practitioners; decriminalisation of certain offences
- **Critics' position:** Weakens biopiracy controls and dilutes the precautionary principle
- **Defenders' position:** Aligns regulation with a biodiversity-as-resource framework and reduces compliance friction for traditional-medicine practitioners

The debate is unresolved, but the operational data from the first national report suggests that India's ABS machinery has continued to issue IRCCs at scale and disburse benefits.

## THE SUPPLEMENTARY PROTOCOL — RATIFIED, BUT AWAITING DOMESTIC OPERATIONALISATION

A frequently misunderstood point in the policy discourse concerns the **Nagoya–Kuala Lumpur Supplementary Protocol on Liability and Redress**. India *has* ratified the protocol — but the domestic legislative framework operationalising it for damage from Living Modified Organisms (LMOs) remains to be fully implemented.

INDICATOR	DETAIL
Adopted	October 15, 2010, Nagoya
Entry into force	March 5, 2018
Subject matter	Liability for damage from Living Modified Organisms (LMOs)
Parent treaty	Cartagena Protocol on Biosafety
India's status	Signed October 11, 2011; Cabinet approval October 29, 2014; instrument of ratification deposited at UN December 19, 2014 (28th country to ratify)

India is a party to both the Cartagena Protocol and the Supplementary Protocol — what remains is the domestic legislation that gives the liability-and-redress framework operational force in a country with extensive transgenic-crop research and biotechnology activity.

## THE BIOPIRACY LEGACY

India's ABS architecture is built on lessons from a series of pre-Nagoya biopiracy disputes.

CASE	YEAR	OUTCOME
Turmeric patent revocation	1995	US patent revoked after India's challenge
Neem patent dispute	Late 1990s-2000s	European Patent Office revoked patent
Basmati GI case	Late 1990s	Partial victory; GI architecture strengthened

These cases led directly to the **Traditional Knowledge Digital Library (TKDL)**, launched in 2001 by CSIR and the Department of AYUSH.

TKDL INDICATOR	VALUE
Launched	2001 (CSIR + Department of AYUSH)
Medicinal formulations documented	~2.26 million across 34 million pages
Languages	English, German, French, Japanese, Spanish

TKDL is the world's largest defensive prior-art database for traditional knowledge and has prevented many subsequent misappropriation attempts.

## INDIA'S BIODIVERSITY PROFILE

INDICATOR	VALUE
Megadiverse-country status	1 of 17
Global biodiversity hotspots	4 (Himalaya, Indo-Burma, Western Ghats-Sri Lanka, Sundaland)
Share of global land area	2.4%
Share of recorded species	7-8%

This profile gives India both the standing and the strategic interest to lead Global South negotiations on access and benefit-sharing.

## THE DSI FRONTIER

The next frontier is **Digital Sequence Information (DSI)** – the question of whether benefit-sharing should apply to genetic-sequence data, not just physical samples.

- **India and Global South position:** Yes, DSI must be inside the benefit-sharing tent
- **Developed countries (pharma, biotech):** Cautious – concerned about research friction
- **Cali Fund:** Operationalised modestly at CBD COP-16 (Cali, Colombia, October-November 2024)
- **NBSAP 2024-2030:** Submitted at COP-16 Cali
- **Next conference:** CBD COP-17, Yerevan, Armenia, 2026

The CBD COP-15 Kunming-Montreal Global Biodiversity Framework (December 2022) Target 13 explicitly mandates ABS implementation, and the Cali Fund is the early test of how the framework operationalises DSI.

## WAY FORWARD

- 1 **Fully operationalise the Nagoya–Kuala Lumpur Supplementary Protocol** (ratified by India in December 2014) through domestic liability-and-redress legislation
- 2 **Strengthen controlled access to TKDL** for legitimate research while preserving anti-biopiracy protection
- 3 **Scale BMCs and People's Biodiversity Registers** beyond the existing ~2.76 lakh
- 4 **Lead Global South DSI negotiations** at CBD COP-17 (Yerevan, 2026) and subsequent fora
- 5 **Operationalise the Cali Fund** at scale with credible contributions and disbursement mechanisms

## 6 Implement NBSAP 2024-2030 submitted at COP-16

### UPSC MAINS ANALYSIS

#### GS Paper 3 – Environment and Biodiversity

- Biodiversity governance: Biological Diversity Act 2002 / 2023 amendment, NBA, SBBs, BMCs
- Access and Benefit Sharing: Nagoya Protocol architecture, IRCCs, PIC, MAT
- Traditional knowledge: TKDL, biopiracy cases (turmeric, neem, basmati)
- Hotspots and megadiverse status: India's 4 hotspots, 17 megadiverse countries

#### GS Paper 2 – International Institutions and Treaties

- CBD (1992) and its three objectives
- Nagoya Protocol (2010) and Nagoya–Kuala Lumpur Supplementary Protocol (2010)
- Cartagena Protocol on Biosafety
- CBD COP-15 (Kunming-Montreal Global Biodiversity Framework, 2022), COP-16 (Cali, 2024), COP-17 (Yerevan, 2026)

**Keywords:** Nagoya Protocol October 29 2010, entry into force October 12 2014, India ratification October 9 2012, CBD February 18 1994, Biological Diversity Act 2002 / 2023, NBA Chennai, IRCC (3,561 / 6,311 ~56%), PIC, MAT, ABS benefits ₹216.31 crore mobilised, ₹139.69 crore disbursed, Nagoya–Kuala Lumpur Supplementary Protocol October 15 2010 / March 5 2018 (India ratified December 19 2014), Cartagena Protocol, TKDL 2001 (~2.26 million formulations), **KMGBF Target 13**, Cali Fund COP-16 2024, COP-17 Yerevan 2026, NBSAP 2024-2030.

*India's first national Nagoya Protocol report is more than a procedural filing — it is the operational ledger of a country that has converted its megadiverse status into a working benefit-sharing architecture. About 56% of global IRCCs (3,561 of 6,311) and ₹139.69 crore disbursed to indigenous communities and biodiversity-rich states is not an incidental statistic; it is structural leadership. But the architecture is unfinished. The Nagoya–Kuala Lumpur Supplementary Protocol on liability for damage from Living Modified Organisms — which India ratified back in December 2014 — still awaits the domestic legislative scaffolding to give it operational force, the Digital Sequence Information negotiation is unresolved, and the 2023 amendment debate is unsettled. India can credibly lead the Global South at CBD COP-17 in Yerevan in October 2026 — but only if it operationalises what it has ratified, strengthens what it has built, and treats benefit-sharing as a fairness principle, not merely a treaty obligation.*

**Sources:** Down to Earth, NBA, MoEFCC

● **KEY ARGUMENTS AT A GLANCE**

**India submitted its first national report (November 2017 - December 2025) under the Convention on Biological Diversity's Nagoya Protocol, showing that it issued over 56% of global Internationally Recognised Certificates of Compliance (IRCCs) — 3,561 of 6,311 worldwide — and mobilised ₹216.31 crore in Access and Benefit Sharing benefits with ₹139.69 crore disbursed; India's ABS architecture is now a global template, and although India ratified the Nagoya–Kuala Lumpur Supplementary Protocol on liability and redress in December 2014, the domestic legislative framework operationalising it for damage from Living Modified Organisms remains to be fully implemented.**

✓ **SUPPORTING**

- The Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization was adopted at Nagoya, Japan on October 29, 2010, entered into force on October 12, 2014, has 142 parties, and operationalises the third objective of the CBD (1992).
- India ratified the CBD on February 18, 1994 and the Nagoya Protocol on October 9, 2012; the domestic architecture is built on the Biological Diversity Act 2002 (amended 2023), the National Biodiversity Authority at Chennai, 29 State Biodiversity Boards and around 2.78 lakh Biodiversity Management Committees.
- India's share of Internationally Recognised Certificates of Compliance stands at about 56% of the global total — 3,561 IRCCs out of 6,311 worldwide, far ahead of France (964), Spain (320) and Argentina (257); ABS benefits mobilised between November 2017 and December 2025 amount to ₹216.31 crore, and ₹139.69 crore has been disbursed to indigenous communities, biodiversity-rich states and conservation entities.
- India ratified the Nagoya–Kuala Lumpur Supplementary Protocol on Liability and Redress (adopted October 15, 2010 at Nagoya; entry into force March 5, 2018) on December 19, 2014, becoming the 28th country to do so — but the domestic legislative framework operationalising liability for damage from Living Modified Organisms under the Cartagena Protocol on Biosafety remains pending implementation.

⚠ **COUNTER**

Critics argue the Biological Diversity (Amendment) Act 2023 weakened biopiracy controls by easing AYUSH compliance and decriminalising certain offences, and the high IRCC count partly reflects volume of low-value transactions rather than depth of benefit-sharing; the architecture must therefore be deepened, not just defended.

→ **WAY FORWARD**

Fully operationalise the Nagoya–Kuala Lumpur Supplementary Protocol (ratified by India in December 2014) through domestic liability-and-redress legislation; strengthen access to the Traditional Knowledge Digital Library (TKDL) on a controlled basis; scale up Biodiversity Management Committees and People’s Biodiversity Registers; lead Global South negotiations on Digital Sequence Information (DSI); operationalise the Cali Fund agreed at CBD COP-16 (2024); and implement NBSAP 2024-2030 submitted at Cali.

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**MAINS ANSWER FRAMEWORK**

**QUESTION**

*"India's first national report under the Nagoya Protocol (November 2017 - December 2025) shows that the country issued over 56% of global Internationally Recognised Certificates of Compliance and mobilised ₹216.31 crore in ABS benefits, of which ₹139.69 crore was disbursed." Critically examine India's Access and Benefit Sharing architecture and the case for full domestic operationalisation of the Nagoya–Kuala Lumpur Supplementary Protocol (which India ratified in December 2014). (250 words)*

**INTRODUCTION**

Down to Earth argues that India’s first national report (November 2017 - December 2025) under the Convention on Biological Diversity’s Nagoya Protocol shows the country has emerged as a global leader in Access and Benefit Sharing — issuing about 56% of global Internationally Recognised Certificates of Compliance (3,561 of 6,311) and mobilising ₹216.31 crore in benefits — and must now fully operationalise the Nagoya–Kuala Lumpur Supplementary Protocol (which India ratified in December 2014) through domestic liability-and-redress legislation.

**BODY**

The Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization was adopted at Nagoya, Japan on October 29, 2010 and entered into force on October 12, 2014. It operationalises the third objective of the CBD (1992) — fair and equitable benefit sharing — through a two-tier compliance system based on Prior Informed Consent (PIC) and Mutually Agreed Terms (MAT) in provider and user countries.

India ratified the CBD on February 18, 1994 and the Nagoya Protocol on October 9, 2012. The domestic architecture rests on the Biological Diversity Act 2002 (amended 2023), with the National Biodiversity Authority at Chennai, 29 State Biodiversity Boards and around 2.76 lakh Biodiversity Management Committees.

Section 6 of the BDA requires foreign users to seek NBA approval; Section 19 covers research and commercial-use clearances. India's national report shows that it has issued about 56% of global IRCCs (3,561 out of 6,311), mobilised ₹216.31 crore in benefits, and disbursed ₹139.69 crore to indigenous communities, biodiversity-rich states and conservation entities.

India is one of 17 megadiverse countries, hosts 4 of the 36 global biodiversity hotspots — Himalaya, Indo-Burma, Western Ghats-Sri Lanka and Sundaland — and accounts for around 7-8% of recorded species on 2.4% of global land area. The biopiracy legacy is instructive: the turmeric patent revocation (1995), the neem patent dispute, and the Basmati GI case all pre-date India's Nagoya operationalisation, and the Traditional Knowledge Digital Library (TKDL, launched 2001 by CSIR and the Department of AYUSH) now documents about 2.26 million medicinal formulations across 34 million pages in five languages (English, German, French, Japanese, Spanish).

The unresolved frontier is Digital Sequence Information (DSI): India and the Global South have argued that genetic-sequence data must be brought into the benefit-sharing tent, and the Cali Fund agreed at CBD COP-16 (October-November 2024, Cali, Colombia) is the modest operational response; CBD COP-17 is scheduled for Yerevan, Armenia, in 2026. The critical gap is the domestic operationalisation of the Nagoya–Kuala Lumpur Supplementary Protocol on Liability and Redress (adopted October 15, 2010; in force since March 5, 2018), which India ratified on December 19, 2014 as the 28th country — leaving its biosafety regime structurally in place but awaiting domestic liability legislation for damage from Living Modified Organisms under the Cartagena Protocol.

**CONCLUSION**

India's ABS architecture is now a global template, but the architecture is not the end-state. Fully operationalising the Nagoya–Kuala Lumpur Supplementary Protocol (which India ratified in December 2014) through domestic liability legislation, strengthening TKDL access on a controlled basis, scaling Biodiversity Management Committees and People's Biodiversity Registers, leading DSI negotiations, operationalising the Cali Fund and implementing NBSAP 2024-2030 are the next layer of work. Benefit-sharing is not just a treaty obligation — it is a fairness principle that India, as a megadiverse country, has both the standing and the strategic interest to lead.

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