

*Review article*

**The nagoya protocol and biodiversity conservation: legal insights on access and benefit-sharing for medicinal and aromatic plant resources**

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**ABSTRACT**

*This study examines the emergence of a rights-based perspective for biodiversity conservation through the Convention on Biological Diversity, which grants states sovereign rights over natural resources and emphasizes fair and equitable benefit-sharing (FEBS) from their commercial use. The Nagoya Protocol, a critical international legal framework, addresses unregulated access to genetic resources by establishing Access and Benefit-Sharing (ABS) mechanisms based on Prior Informed Consent (PIC) and Mutually Agreed Terms (MAT). The study explores how these mechanisms protect indigenous rights and promote biodiversity conservation, particularly in developing nations rich in biodiversity. Using a comparative analysis of ABS frameworks in India, Kenya, and Mexico, the research identifies diverse legal approaches and challenges such as enforcement, transparency, and compliance. The findings reveal that while the Protocol strengthens indigenous rights and ensures fair compensation for traditional knowledge, implementation gaps persist. The study concludes that enhancing ABS frameworks is essential for equitable benefit-sharing, safeguarding indigenous rights, and supporting sustainable development and biodiversity conservation.*

**Keywords:** Access and Benefit Sharing (ABS), Convention on Biological Diversity (CBD), Genetic Resources and Indigenous People, Mutually Agreed Terms (MAT), Prior Informed Consent (PIC)