

### 3.2 – STATEMENT OF BRAZIL

Thank madame facilitator, for giving us the floor.

**On 3.2.1 (access)**, our delegation is of the view that access should be regulated according to the “notice-based” model whereby access to MGRs to areas beyond national jurisdictions would need to be registered by an institutional body to be created by the LBI. This is an easy procedure that would allow for transparency and tracking of access of MGRs.

Upon registration, there could be a disclosure of the object, the origin and the objectives (for commercial or non-commercial purposes).

Once again, we have the view that benefit sharing would only be triggered in case of the commercial use of MGRs from ABNJ, which means that benefit sharing regime should not apply on the research and patenting process, as this would work as a burden to international research and development.

The consequence of the regulation on the access of MGRs is to provide benefits arising from the commercial utilization of marine biological resources, including MGRs of ABNJ, to all countries, as these resources are common heritage of mankind. This would also help to level the field with other international agreements that regulate ABS of MGRs of areas within national jurisdictions, like the Nagoya Protocol to the CBD. And lastly, an ABS regime on BBNJ would help to avoid loopholes on the Nagoya Protocol by agents who collect straddling or migratory MGRs in ABNJ to escape the obligations of that Protocol.

Finally, if this regime is not created we would risk keeping the current international situation, where there are clear gaps with regards to ABNJ living resources, in particular MGRs. An ABS regime, together with provisions on ABMTs, would also help to conserve and sustainably use biodiversity of these areas.

**With regard to 3.2.2** (sharing of benefits), we see the establishing of an ABS regime on MGRs as a major step towards readdressing existing gaps or shortcomings of the actual international setting, which is characterized, in our view, by limited or sectoral marine arrangements.

In line with a domestic legislation on access and benefit sharing that we adopted in 2015, we believe the objective of sharing benefits is to help international community, especially developing countries, to have the tools to develop capabilities to conduct research on MGRs and to conserve and sustainably use these resources.

Now allow us to briefly try to answer the questions of this cluster.

On iii (benefits), we understand that a non-exhaustive list of benefits should be developed, especially with regard to non-monetary benefits. Non-monetary benefits can include capacity building and different types of marine co-operation.

On iv (modalities), letter a, our delegation favours the establishment of a monetary modality of benefit sharing, as we believe this approach would be able to respond to the current challenges faced by marine exploration and exploitation of MGRs of ABNJ.

In this regard, a global fund could be established to be funded by the application of 1% of net revenue originated by the commercial use of MGRs of ABNJ. Under the ABS regime, commercial producers of products utilizing MGRs of ABNJ would be obliged to share these benefits.

The beneficiaries of the monetary modality would be all States, especially developing countries and the least developed countries. Usage may include activities in capacity building, training and programs to conserve biodiversity, which can be discussed during COPs.

Finally, on iv, b, c and d, we believe there must not be differentiations between provisions on sharing benefits depending on where the MGRs are sourced. We think there must be only one clear and transparent regulation and that the ABS regime be established by the creation of a global fund. Other international relevant instrument must be taken into account, in particular ISA and CBD. A Clear House Mechanism should be established, as ABS regime must have an information sharing platform, drawing from the examples of the Nagoya Protocol.

That concludes our intervention. Thank you madame facilitator.