

Item 3.1 – Statement of Brazil

Thank you madame facilitator.

At the outset, we would like congratulate you on your appointment as facilitator and to assure you have our full support in this important task.

We would also like to align ourselves with the distinguished representative of Egypt on behalf of the group of 77 and China.

Brazil understands that access to MGRs of areas beyond national jurisdiction should be regulated by the new LBI to be developed under these IGC sessions, as we understand MGRs as a common heritage of mankind.

Today we might be able to witness the beginning of a race to commercially exploit MGRs of areas beyond national jurisdiction by a few countries that possess technology, infrastructure and resources to do so. And once again, this could be done at the detriment of the rest of the international community, in particular developing countries and the least developed countries.

Madame facilitator,

The Nagoya Protocol to the CBD clearly establishes a new mechanism for access to genetic resources and equitable sharing of benefits arising out from their utilization for areas within national jurisdiction. This new regime provides a strong basis for greater legal certainty and transparency for both providers and users of genetic resources. In order level the playing field, our delegation see there is sense of urgency to develop provisions for access and benefit sharing of MGRs of ABNJ. An ABS regime under ABNJ would also help to complement and reinforce the Nagoya Protocol.

Having said that, we would like to briefly cover letters a, b and c under item 3.1.

On letter a and b, we understand that ABS regime of BBNJ should apply to the Area and to high seas, as MGRs are part of common heritage of mankind. Straddling MGRs with areas of national jurisdictions should trigger a mechanism of consultations to the relevant coastal state. In case of extension of a coastal State's continental shelf, the LBI must guarantee that this coastal State have easy access to his sovereignty.

On letter c, ii and iii, we favour that ABS regime must be based on the commercial utilization of MGRs from ABNJ. Therefore we understand benefit sharing should not apply to the process of developing new patents, as this would be an disincentive to research. Finally, in our view, the regime would apply to MGRs collected in situ, and also to ex situ, in silica, derivatives and digital sequence data.

Thank you, madame facilitator.