

TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS

1. Name of Working Group:

Working Group on Institutional Matters

2. Name(s) of Delegation(s) making the proposal:

Federative Republic of Brazil

3. Please indicate the relevant provision to which the textual proposal refers.

Regulation 2

4. Kindly provide the proposed amendments to the regulation or standard or guideline in the text box below, using the “track changes” function in Microsoft Word. Please only reproduce the parts of the text that are being amended or deleted.

Regulation 2

1. These Regulations, and any decision-making thereunder, shall be applied in conformity with the principles governing the Area embodied in Section 2 of Part XI ~~and in] Part XII~~ of the Convention.

3. Exploitation in the Area shall not commence until the legal framework intended for the effective protection and preservation of the Marine Environment is adopted and scientific evidence demonstrates that the Exploitation will be conducted in such a manner as not to cause significant and harmful changes to the Marine Environment and its resources and to effectively protect and preserve the Marine Environment pursuant to article 145 and [article 209 of] Part XII of UNCLOS.]

4. Alt. The following principles and approaches shall guide the application of these Regulations:

(a) Alt The principle of the common heritage of humankind

(a) Bis The principle of ~~Intergenerational~~equity and the equitable sharing of benefits;

5. Bis. Activities in the Area shall be carried out for the benefit of humankind as a whole, irrespective of the geographical location of States, whether coastal or land-locked, and taking into particular consideration the interests and needs of developing States.

5. Please indicate the rationale for the proposal. [150-word limit]

Para 1: the principles governing the Area are enshrined in Section 2 of Part XI of the Convention, not in Part XII.

Para 3: Paragraph 3 should be included in the draft regulations, not in the Standard and Guidelines or other rules, regulations or procedures of the Authority.

Para 4 (a) Alt: the principle of the common heritage of humankind is the first and foremost principle governing the Area and its resources as set out in article 136 of the Convention and in the UN General Assembly resolution 2749 of 1970, which reflects customary international law.

Bis: Language based on the BBNJ Agreement. It reflects the principle of benefit sharing embodied in article 140 of the Convention, according to which “The Authority shall provide for the equitable sharing of financial and other economic benefits derived from activities in the Area”.

Para 5 Bis. Article 140 of the Convention.