

## Appendix B

### Treaties including the Precautionary Principle

CONVENTIONS AND AGREEMENTS	
ATMOSPHERE	
<i>Montreal Protocol on Substances that Deplete the Ozone Layer</i> , opened for signature 16 September 1987, 1522 UNTS 3 (entered into force 1 January 1989) (as amended 29 June 1990, 25 November 1992, 17 September 1997, and 3 December 1999)	Preamble Determined to protect the ozone layer by taking precautionary measures to control equitably total global emissions of substances that deplete it, with the ultimate objective of their elimination on the basis of developments in scientific knowledge, taking into account technical and economic considerations and bearing in mind the developmental needs of developing countries ...
<i>Vienna Convention on the Protection of the Ozone Layer</i> , opened for signature 22 March 1985, 1513 UNTS 293 (entered into force 22 September 1988)	Preamble Mindful also of the precautionary measures for the protection of the ozone layer which have already been taken at the national and international levels
<i>United Nations Framework Convention on Climate Change</i> , opened for signature 9 May 1992, 31 ILM 854 (1992) (entered into force 21 March 1994)	Art 3 The parties should take precautionary measures to anticipate, prevent or minimize the causes of climate change and mitigate its adverse effects. Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing such measures, taking into account that policies and measures to deal with climate change should be cost-effective so as to ensure global benefits at the lowest possible cost. To achieve this, such policies and measures should take into account different socio-economic contexts, be comprehensive, cover all relevant sources, sinks and reservoirs of greenhouse gases and adaptation, and comprise all economic sectors. Efforts to address climate change may be carried out cooperatively by interested Parties.
<i>Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution on Further Reduction of Sulphur Emissions</i> , opened for signature 14 June 1994, UN Doc EB.AIR/R. 84 (entered into force 5 August 1998)	Preamble <i>Resolved</i> to take precautionary measures to anticipate, prevent or minimize emissions of air pollutants and mitigate their adverse effects, <i>Convinced</i> that where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing such measures, taking into account that such precautionary measures to deal with emissions of air pollutants should be cost-effective,
<i>Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution on Heavy Metals</i> , opened for signature 24 June 1998, 21 <i>International Environmental Reporter</i> 4951 (1998), (not yet in force)	Preamble <i>Resolved</i> to take measures to anticipate, prevent or minimize emissions of certain heavy metals and their related compounds, taking into account the application of the precautionary approach, as set forth in principle 15 of the Rio Declaration on Environment and Development ...

<p><i>Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution on Persistent Organic Pollutants</i>, opened for signature 24 June 1998, UN Doc EB.AIR/1998/2 (not yet in force)</p>	<p>Preamble  <i>Resolved</i> to take measures to anticipate, prevent or minimize emissions of persistent organic pollutants, taking into account the application of the precautionary approach, as set forth in principle 15 of the Rio Declaration on Environment and Development ...</p>
<p><i>Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution to Abate Acidification, Eutrophication and Ground-Level Ozone</i>, opened for signature 30 November 1999, 21 International Environmental Reporter 5051 (not yet in force)</p>	<p>Preamble  <i>Resolved</i> to take measures to anticipate, prevent or minimize emissions of these substances, taking into account the application of the precautionary approach as set forth in principle 15 of the Rio Declaration on Environment and Development ...</p>
<p><i>Energy Charter Treaty</i>, opened for signature 17 December 1994, 33 ILM 360 (entered into force 16 April 1998)</p>	<p>Art 19(1)  In pursuit of sustainable development and taking into account its obligations under those international agreements concerning the environment to which it is party, each Contracting Party shall strive to minimize in an economically efficient manner harmful Environmental Impacts occurring either within or outside its Area from all operations within the Energy Cycle in its Area, taking proper account of safety. In doing so each Contracting Party shall act in a Cost-Effective manner. In its policies and actions each Contracting Party shall strive to take precautionary measures to prevent or minimize environmental degradation.</p>

MARINE	
<i>International Convention on Oil Pollution Preparedness, Response, and Co-operation</i> , opened for signature 30 November 1990, 1891 UNTS 51 (entered into force 13 May 1995)	Preamble Mindful of the importance of precautionary measures and prevention in avoiding oil pollution in the first instance...
<i>Convention on the Protection of the Marine Environment of the Baltic Sea Area</i> , opened for signature 9 April 1992, BNA 35:0401 (entered into force 17 January 2000)	Art 3(2) The Contracting Parties shall apply the precautionary principle, ie, to take preventive measures when there is reason to assume that substances or energy introduced, directly or indirectly, into the marine environment may create hazards to human health, harm living resources and marine ecosystems, damage amenities or interfere with other legitimate uses of the sea even when there is no conclusive evidence of a causal relationship between inputs and their alleged effects.
<i>Convention for the Protection of the Marine Environment of the North East Atlantic</i> , opened for signature 22 September 1992, 32 ILM 1069 (entered into force 25 March 1998)	Art 2 The Contracting Parties shall apply: the precautionary principle, by virtue of which preventive measures are to be taken when there are reasonable grounds for concern that substances or energy introduced, directly or indirectly, into the marine environment may bring about hazards to human health, harm living resources and marine ecosystems, damage amenities or interfere with other legitimate uses of the sea, even where there is no conclusive evidence of a causal relationship between the inputs and the effects.
<i>Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area</i> , opened for signature 24 November 1996, 36 ILM 777 (entered into force 1 June 2001)	Art II(4) In implementing the measures prescribed above, the Parties shall apply the precautionary principle.
<i>Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources and Activities</i> , opened for signature 17 May 1980, 19 ILM 869 (1980) (entered into force 17 June 1983) as amended 7 March 1996 (not yet in force)	Preamble <i>Applying</i> the precautionary principle and the polluter pays principle, undertaking environmental impact assessment and utilizing the best available techniques and the best environmental practice, including clean production technologies, as provided for in article 4 of the Convention ...
<i>Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks</i> , opened for signature 4 August 1995, UN Doc A/CONF.164/38 (entered into force 11 December 2001)	Art 5(c) In order to conserve and manage straddling fish stocks and highly migratory fish stocks, coastal States and States fishing on the high seas shall, in giving effect to their duty to cooperate in accordance with the Convention: ... (c) apply the precautionary approach in accordance with article 6

<p>1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 and Resolutions Adopted by the Special Meeting, opened for signature 7 November 1996, 36 ILM 7 (not yet in force).</p>	<p>Art 3(1)7 In implementing this Protocol, Contracting Parties shall apply a precautionary approach to environmental protection from dumping of wastes or other matter whereby appropriate preventative measures are taken when there is reason to believe that wastes or other matter introduced into the marine environment are likely to cause harm even when there is no conclusive evidence to prove a causal relation between inputs and their effects.</p>
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WATERCOURSES	
<p><i>United Nations Convention on the Protection and Use of Transboundary Watercourses and International Lakes</i>, opened for signature 17 March 1992, 31 ILM 1316 (1992) (entered into force 6 October 1996).</p>	<p>...the Parties shall be guided by the following principles The precautionary principle, by virtue of which action to avoid the potential transboundary impact of the release of hazardous substances shall not be postponed on the ground that scientific research has not fully proved a causal link between those substances, on the one hand, and the potential transboundary impact, on the other hand.</p>
<p><i>Convention on the Protection of the Rhine</i>, opened for signature 12 April 1999, (2000) <i>Official Journal of the European Communities</i> L.289/31</p>	<p>Art 4 To this end, the Contracting Parties shall be guided by the following principles: precautionary principle; principle of preventive action ...</p>
<p><i>1994 Agreement on the Protection of the River Scheldt</i>, opened for signature 26 April 1994, 34 ILM 851 (1995)</p>	<p>Art 3(2) The Contracting Parties shall be guided by the following principles in their action: The precautionary principle, according to which action to avoid the release of dangerous substances which could have a significant transboundary impact, shall not be postponed on the grounds that scientific research has not fully proved the existence of a causal link between the discharge of those substances and a possible significant transboundary impact. The principle of preventive action according to which, in particular, clean technologies shall be used, under economically acceptable conditions.</p>
<p><i>1994 Agreement on the Protection of the (River) Meuse</i>, opened for signature 26 April 1994, 34 ILM 851 (1995)</p>	<p>Art 3(2) The Contracting Parties shall be guided by the following principles in their action: The precautionary principle, according to which action to avoid the release of dangerous substances which could have a significant transboundary impact, shall not be postponed on the grounds that scientific research has not fully proved the existence of a causal link between the discharge of those substances and a possible significant transboundary impact. The principle of preventive action according to which, in particular, clean technologies shall be used, under economically acceptable conditions.</p>

<p><i>1994 Convention on Cooperation for the Protection and Sustainable Use of the River Danube</i>, opened for signature 29 June 1994, EMuT 994:49 (entered into force 22 October 1998).</p>	<p>Arts 2(4) and 2(5)</p> <p>4. The polluter pays principle and the precautionary principle constitute a basis for all measures aiming at the protection of the river Danube and of the waters within its catchment area.</p> <p>5. Water management cooperation shall be oriented on sustainable water management, that means on the criteria of a stable, environmentally sound development, which are at the same time directed to:</p> <ul style="list-style-type: none"> <li>• maintain the overall quality of life,</li> <li>• maintain continuing access to natural resources,</li> <li>• avoid lasting environmental damage and protect ecosystems,</li> <li>• exercise preventive approach [sic].</li> </ul>
<p><i>Protocol on Water and Health to the 1992 Convention on the Protection and Use of Transboundary Watercourses and International Lakes</i>, opened for signature 17 June 1999, UN Doc MP.WAT/2000/1 EUR/ICP/EHCO 020205/8F (not yet in force)</p>	<p>Art 5(a)</p> <p>In taking measures to implement this Protocol, the Parties shall be guided in particular by the following principles and approaches:</p> <p>(a) The precautionary principle, by virtue of which action to prevent, control or reduce water-related disease shall not be postponed on the ground that scientific research has not fully proved a causal link between the factor at which such action is aimed, on the one hand, and the potential contribution of that factor to the prevalence of water-related disease and/or transboundary impacts, on the other hand...</p>

WASTE	
<p><i>Stockholm Convention on Persistent Organic Pollutants</i>, opened for signature 22 May 2001, 40 ILM 531 (2001), (17 May 2004)</p>	<p>Art 1 (Objective) Mindful of the precautionary approach as set forth in Principle 15 of the Rio Declaration on Environment and Development, the objective of this Convention is to protect human health and the environment from persistent organic pollutants.</p> <p>Art 8(9) The Conference of the Parties, taking due account of the recommendations of the Committee, including any scientific uncertainty, shall decide, in a precautionary manner, whether to list the chemical, and specify its related control measures, in Annexes A, B and/or C.</p>
<p><i>Convention on the Ban of the Import of Hazardous Wastes into Africa and on the Control of their Transboundary Movements within Africa</i>, opened for signature 30 January 1991, 30 ILM 773 (entered into force 22 April 1998)</p>	<p>Art 3(f) Each party shall strive to adopt and implement the preventive, precautionary approach to pollution problems which entails, <i>inter alia</i>, preventing the release into the environment of substances which may cause harm to humans or the environment without waiting for scientific proof regarding such harm. The Parties shall cooperate with each other in taking the appropriate measures to implement the precautionary principle to pollution prevention through the application of clean production methods, rather than the pursuit of a permissible emissions approach based on assimilative capacity assumptions.</p>
<p><i>Convention to Ban the Importation into Forum Island Countries of Hazardous and Radioactive Wastes and to Control the Transboundary Movement and Management of Hazardous Wastes within the South Pacific Region</i>, opened for signature 16 September 1995, 2001 ATS 17 (entered into force 21 October 2001)</p>	<p>Art 1 “Precautionary principle” means the principle that in order to protect the environment, the precautionary approach shall be widely applied by Parties according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation</p> <p>Art 13(3) The first meeting of the Conference of the Parties shall consider the adoption of any additional measures in accordance with the Precautionary principle relating to the implementation of this Convention.</p>

BIODIVERSITY	
<p><i>Convention on Biological Diversity</i>, opened for signature 5 June 1992, UN Doc UNEP/Bio.Div/N7-inc.5/4 (entered into force 29 December 1993)</p>	<p>Preamble Noting also that where there is a threat of significant reduction or loss of biological diversity, lack of full scientific certainty should not be used as a reason for postponing measures to avoid or minimize such a threat...</p>
<p><i>Cartagena Protocol on Biosafety to the Convention on Biological Diversity</i>, opened for signature 29 January 2000, 39 ILM 1027 (2000) (entered into force 11 September 2003)</p>	<p>Preamble Reaffirming the precautionary approach contained in Principle 15 of the Rio Declaration on Environment and Development...</p> <p>Art 1 (Objective) In accordance with the precautionary approach contained in Principle 15 of the Rio Declaration on Environment and Development, the objective of this Protocol is to contribute to ensuring an adequate level of protection in the field of the safe transfer, handling and use of living modified organisms resulting from modern biotechnology that may have adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health, and specifically focusing on transboundary movements.</p> <p>Art 10(6) Lack of scientific certainty due to insufficient relevant scientific information and knowledge regarding the extent of the potential adverse effects of a living modified organism on the conservation and sustainable use of biological diversity in the Party of import, taking also into account risks to human health, shall not prevent that Party from taking a decision, as appropriate, with regard to the import of the living modified organism in question as referred to in paragraph 3 above, in order to avoid or minimize such potential adverse effects.</p> <p>Art 11(8) Lack of scientific certainty due to insufficient relevant scientific information and knowledge regarding the extent of the potential adverse effects of a living modified organism on the conservation and sustainable use of biological diversity in the Party of import, taking also into account risks to human health, shall not prevent that Party from taking a decision, as appropriate, with regard to the import of that living modified organism intended for direct use as food or feed, or for processing, in order to avoid or minimize such potential adverse effects.</p>

<p><i>Convention on the Conservation of Antarctic Marine Living Resources</i>, opened for signature 1 August 1980, 1329 UNTS 47 (entered into force 7 April 1981)</p>	<p>Art 2(3)</p> <p>3. Any harvesting and associated activities in the area to which this Convention applies shall be conducted in accordance with the provisions of this Convention and with the following principles of conservation:</p> <p>(a) <i>prevention of decrease in the size of any harvested population to levels below those which ensure its stable recruitment</i>. For this purpose its size should not be allowed to fall below a level close to that which ensures the greatest net annual increment;</p> <p>(b) maintenance of the ecological relationships between harvested, dependent and related populations of Antarctic marine living resources and the restoration of depleted populations to the levels defined in subparagraph (a) above;</p> <p>and</p> <p>(c) <i>prevention of changes or minimization of the risk of changes in the marine ecosystem which are not potentially reversible over two or three decades, taking into account the state of available knowledge</i> of the direct and indirect impact of harvesting, the effect of the introduction of alien species, the effects of associated activities on the marine ecosystem and of the effects of environmental changes, with the aim of making possible the sustained conservation of Antarctic marine living resources.</p>
<p><i>Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean</i>, opened for signature 5 September 2000, [2000] ATNIF 11 (not yet in force)</p>	<p>Preamble</p> <p><i>Mindful</i> that effective conservation and management measures require the application of the precautionary approach and the best scientific information available ...</p> <p>Art 5(c)</p> <p>In order to conserve and manage highly migratory fish stocks in the Convention Area in their entirety, the members of the Commission shall, in giving effect to their duty to cooperate in accordance with the 1982 Convention, the Agreement and this Convention:</p> <p>...</p> <p>(c) apply the precautionary approach in accordance with this Convention and all relevant internationally agreed standards and recommended practices and procedures</p>

<p><i>cont ...</i></p>	<p>Art 6</p> <p>1. In applying the precautionary approach, the members of the Commission shall:</p> <p>(a) apply the guidelines set out in Annex II of the Agreement, which shall form an integral part of this Convention, and determine, on the basis of the best scientific information available, stock-specific reference points and the action to be taken if they are exceeded;</p> <p>(b) take into account, inter alia, uncertainties relating to the size and productivity of the stocks, reference points, stock condition in relation to such reference points, levels and distributions of fishing mortality and the impact of fishing activities on non-target and associated or dependent species, as well as existing and predicted oceanic, environmental and socio-economic conditions; and</p> <p>(c) develop data collection and research programmes to assess the impact of fishing on non-target and associated or dependent species and their environment, and adopt plans where necessary to ensure the conservation of such species and to protect habitats of special concern.</p> <p>2. Members of the Commission shall be more cautious when information is uncertain, unreliable or inadequate. The absence of adequate scientific information shall not be used as a reason for postponing or failing to take conservation and management measures.</p> <p>3. Members of the Commission shall take measures to ensure that, when reference points are approached, they will not be exceeded. In the event they are exceeded, members of the Commission shall, without delay, take the action determined under paragraph 1(a) to restore the stocks.</p> <p>4. Where the status of target stocks or non-target or associated or dependent species is of concern, members of the Commission shall subject such stocks and species to enhanced monitoring in order to review their status and the efficacy of conservation and management measures. They shall revise those measures regularly in the light of new information.</p> <p>5. For new or exploratory fisheries, members of the Commission shall adopt as soon as possible cautious conservation and management measures, including, inter alia, catch limits and effort limits. Such measures shall remain in force until there are sufficient data to allow assessment of the impact of the fisheries on the longterm sustainability of the stocks, whereupon conservation and management measures based on that assessment shall be implemented. The latter measures shall, if appropriate, allow for the gradual development of the fisheries.</p> <p>6. If a natural phenomenon has a significant adverse impact on the status of highly migratory fish stocks, members of the Commission shall adopt conservation and management measures on an emergency basis to ensure that fishing activity does not exacerbate such adverse impacts. Members of the Commission shall also adopt such measures on an emergency basis where fishing activity presents a serious threat to the sustainability of such stocks. Measures taken on an emergency basis shall be temporary and shall be based on the best scientific information available.</p>
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<p><i>Criteria for Amendment of Appendices I and II, Annex 4, Conf.9.24 (Rev.CoP12), Ninth Meeting of the Conference to the Parties of the Convention on the International Trade in Endangered Species, 7-18 November 1994</i></p>	<p>Annex 4 Precautionary measures A. When considering proposals to amend the Appendices, the Parties shall, in the case of uncertainty, either as regards the status of a species or as regards the impact of trade on the conservation of a species, act in the best interest of the conservation of the species ...</p>
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TRADE AND REGIONAL ECONOMIC AGREEMENTS	
<i>Agreement on the Application of Sanitary and Phytosanitary Measures</i> , opened for signature 15 April 1994, <i>Marrakesh Agreement Establishing the World Trade Organization</i> , Annex 1A, <i>Legal Instruments—Results of the Uruguay Round</i> Vol 1, 33 ILM 1125, 1153 (1994) (entered into force 1 January 1995)	Art 5.7 In cases where relevant scientific evidence is insufficient, a Member may provisionally adopt sanitary or phytosanitary measures on the basis of available pertinent information, including that from the relevant international organizations as well as from sanitary or phytosanitary measures applied by other Members. In such circumstances, Members shall seek to obtain the additional information necessary for a more objective assessment of risk and review the sanitary or phytosanitary measure accordingly within a reasonable period of time.
<i>North American Free Trade Agreement</i> , opened for signature 17 December 1992, 32 ILM 605 (1993) (entered into force 1 January 1994)	Art 757(4) Notwithstanding paragraphs (1) through (3) and Article 754(3)(c), where a Party conducting a risk assessment determines that <i>available relevant scientific evidence or other information is insufficient to complete the assessment</i> , it may adopt a <i>provisional sanitary or phytosanitary measure</i> on the basis of available relevant information, including from international or North American standardizing organizations and from sanitary or phytosanitary measures of other Parties. Such Party shall, within a reasonable period after information sufficient to complete the assessment is presented to it, complete its assessment, review and where appropriate revise the provisional measure in light of such assessment.
<i>Treaty Establishing the European Community</i> (1957) as amended by the <i>Treaty on European Union</i> (1992)	Art 130r(2) Community policy on the environment shall aim at a high level of protection taking into account the diversity of situations in the various regions of the Community, it shall be based on the precautionary principle and on the principles that preventive action should be taken, that environmental damage should as a priority be rectified at source and that the polluter should pay. Environmental protection requirements must be integrated into the definition and implementation of other Community policies.

DECLARATIONS AND NON-BINDING INSTRUMENTS	
SUSTAINABLE DEVELOPMENT	
<i>World Charter for Nature</i> , GA A/RES/37/7 48th plen mtg 28 October 1982	Arts 11(a) and (b) Activities which might have an impact on nature shall be controlled, and the best available technologies that minimize significant risks to nature or other adverse effects shall be used; in particular: (a) Activities which are likely to cause irreversible damage to nature shall be avoided; (b) Activities which are likely to pose a significant risk to nature shall be preceded by an exhaustive examination; their proponents shall demonstrate that expected benefits outweigh potential damage to nature, and where potential adverse effects are not fully understood, the activities should not proceed;
<i>Rio Declaration on Environment and Development</i> , Report of the UN Conference on Environment and Development, Annex I, 12 August 1992, UN Doc A/Conf. 151/26 (Vol I)	Principle 15 In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.
<i>Bergen Ministerial Declaration on Sustainable Development in the European Commission for Europe (ECE) Region</i> , UN Doc A/CONF.151/PC/10 (1990)	In order to achieve sustainable development, policies must be based on the precautionary principle. Environmental measures must anticipate, prevent and attack the causes of environmental degradation. Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.
<i>Plan of Implementation</i> , World Summit on Sustainable Development, 2002, UN Doc A/Conf.199/20	Art 23 Renew the commitment, as advanced in Agenda 21, to sound management of chemicals throughout their life cycle and of hazardous wastes for sustainable development and for the protection of human health and the environment, inter alia, aiming to achieve by 2020 that chemicals are used and produced in ways that lead to the minimization of significant adverse effects on human health and the environment, using transparent science-based risk assessment procedures and science-based risk management procedures, taking into account the precautionary approach, as set out in principle 15 of the Rio Declaration on Environment and Development, and support developing countries in strengthening their capacity for the sound management of chemicals and hazardous wastes by providing technical and financial assistance.  Art 109 Improve policy and decision-making at all levels through, inter alia, improved collaboration between natural and social scientists, and between scientists and policy makers, including through urgent actions at all levels to:... (f) Promote and improve science-based decision-making and reaffirm the precautionary approach as set out in principle 15 of the Rio Declaration on Environment and Development...

<p><i>Programme for the Further Implementation of Agenda 21</i>, UN GA Res A/RES/S/19-2, 11<sup>th</sup> plenary meeting, 28 June 1997</p>	<p>Para 59          ...States, in cooperation with relevant international organizations, where appropriate, should not promote or allow the storage or disposal of high-level, intermediate-level or low-level radioactive wastes near the marine environment unless they determine that scientific evidence, consistent with the applicable internationally agreed principles and guidelines, shows that such storage or disposal poses no unacceptable risk to people or the marine environment and does not interfere with other legitimate uses of the sea. In the process of the consideration of that evidence, appropriate application of the precautionary approach principle should be made. Further action is needed by the international community to address the need for enhancing awareness of the importance of the safe management of radioactive wastes, and to ensure the prevention of incidents and accidents involving the uncontrolled release of such wastes.</p>
<p><i>Agenda 21: A Programme for Action for Sustainable Development</i>, Report of the UN Conference on Environment and Development, Annex II, 12 August 1992, UN Doc A./Conf. 151/26 (Vol II-IV)</p>	<p>Objective 17.5          Coastal States commit themselves to integrated management and sustainable development of coastal areas and the marine environment under their national jurisdiction. To this end, it is necessary to, inter alia:          ...          (d) Apply preventive and <i>precautionary approaches</i> in project planning and implementation, including prior assessment and systematic observation of the impacts of major projects;</p> <p>Basis for Action 17.21          A <i>precautionary</i> and anticipatory rather than a reactive approach is necessary to prevent the degradation of the marine environment. This requires, inter alia, the adoption of precautionary measures, environmental impact assessments, clean production techniques, recycling, waste audits and minimization, construction and/or improvement of sewage treatment facilities, quality management criteria for the proper handling of hazardous substances, and a comprehensive approach to damaging impacts from air, land and water. Any management framework must include the improvement of coastal human settlements and the integrated management and development of coastal areas.</p> <p>Objective 17.22          States, in accordance with the provisions of the United Nations Convention on the Law of the Sea on protection and preservation of the marine environment, commit themselves, in accordance with their policies, priorities and resources, to prevent, reduce and control degradation of the marine environment so as to maintain and improve its life-support and productive capacities. To this end, it is necessary to:          (a) Apply preventive, <i>precautionary</i> and anticipatory approaches so as to avoid degradation of the marine environment, as well as to reduce the risk of long-term or irreversible adverse effects upon it.</p>

	<p>(cont)</p> <p>Basis for action 17.97  There are many uncertainties about climate change and particularly about sealevel rise. Small increases in sealevel have the potential of causing significant damage to small islands and low-lying coasts. Response strategies should be based on sound data. A long-term cooperative research commitment is needed to provide the data required for global climate models and to reduce uncertainty. Meanwhile, <i>precautionary measures</i> should be undertaken to diminish the risks and effects, particularly on small islands and on low-lying and coastal areas of the world.</p> <p>Activities 17.128  Small island developing States, with the assistance as appropriate of the international community and on the basis of existing work of national and international organizations, should:...</p> <p>(g) Based on <i>precautionary</i> and anticipatory approaches, design and implement rational response strategies to address the environmental, social and economic impacts of climate change and sea level rise, and prepare appropriate contingency plans;</p> <p>Activities 18.40  All States, according to their capacity and available resources, and through bilateral or multilateral cooperation, including United Nations and other relevant organizations as appropriate, could implement the following activities:</p> <p>...</p> <p>B) Water pollution prevention and control:</p> <p>...</p> <p>iv. Introduction of the <i>precautionary approach</i> in water-quality management, where appropriate, with a focus on pollution minimization and prevention through use of new technologies, product and process change, pollution reduction at source and effluent reuse, recycling and recovery, treatment and environmentally safe disposal;</p> <p>...</p> <p>C) Development and application of clean technology:  Control of industrial waste discharges, including low-waste production technologies and water recirculation, in an integrated manner and through application of <i>precautionary measures</i> derived from a broad-based life-cycle analysis;</p>
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	<p>(cont)</p> <p>Activities 19.14 Governments, through the cooperation of relevant international organizations and industry, where appropriate, should:</p> <p>(a) Strengthen and expand programmes on chemical risk assessment within the United Nations system IPCS (UNEP, ILO, WHO) and the Food and Agriculture Organization of the United Nations (FAO), together with other organizations, including the Organisation for Economic Cooperation and Development (OECD), based on an agreed approach to data-quality assurance, application of assessment criteria, peer review and linkages to risk management activities, taking into account the <i>precautionary approach</i>;</p> <p>Objective 19.48 The objective of the programme area is to eliminate unacceptable or unreasonable risks and, to the extent economically feasible, to reduce risks posed by toxic chemicals, by employing a broad-based approach involving a wide range of risk reduction options and by taking <i>precautionary measures</i> derived from a broad-based life-cycle analysis.</p> <p>Activities 19.49 Governments, through the cooperation of relevant international organizations and industry, where appropriate, should:</p> <p>(a) Consider adopting policies based on accepted producer liability principles, where appropriate, as well as <i>precautionary</i>, anticipatory and life-cycle approaches to chemical management, covering manufacturing, trade, transport, use and disposal;</p> <p>Activities 19.60 Governments should ...</p> <p>(d) Cooperate with international organizations, where appropriate, to effectively monitor and control the generation, manufacturing, distribution, transportation and disposal activities relating to toxic chemicals, to foster preventive and <i>precautionary approaches</i> and ensure compliance with safety management rules, and provide accurate reporting of relevant data.</p> <p>Basis for Action 20.32 In order to promote and strengthen international cooperation in the management, including control and monitoring, of transboundary movements of hazardous wastes, a <i>precautionary approach</i> should be applied. There is a need to harmonize the procedures and criteria used in various international and legal instruments. There is also a need to develop or harmonize existing criteria for identifying wastes dangerous to the environment and to build monitoring capacities.</p>
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	<p>(cont)</p> <p>Activities 22.5</p> <p>... (b) Encourage the London Dumping Convention to expedite work to complete studies on replacing the current voluntary moratorium on disposal of low-level radioactive wastes at sea by a ban, taking into account the <i>precautionary approach</i>, with a view to taking a well informed and timely decision on the issue;</p> <p>(c) Not promote or allow the storage or disposal of high-level, intermediate-level and low-level radioactive wastes near the marine environment unless they determine that scientific evidence, consistent with the applicable internationally agreed principles and guidelines, shows that such storage or disposal poses no unacceptable risk to people and the marine environment or does not interfere with other legitimate uses of the sea, making, in the process of consideration, appropriate use of the concept of the <i>precautionary approach</i>;</p> <p>Chapter 35 (Science for Sustainable Development) 35.3:</p> <p>... In the face of threats of irreversible environmental damage, lack of full scientific understanding should not be an excuse for postponing actions which are justified in their own right. The precautionary approach could provide a basis for policies relating to complex systems that are not yet fully understood and whose consequences of disturbances cannot yet be predicted.</p> <p>Objective 35.6</p> <p>The primary objective is for each country with the support of international organizations, as requested, to identify the state of its scientific knowledge and its research needs and priorities in order to achieve, as soon as possible, substantial improvements in:</p> <p>... (c) The interaction between the sciences and decision-making, using the precautionary approach, where appropriate, to change the existing patterns of production and consumption and to gain time for reducing uncertainty with respect to the selection of policy options;</p>
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EUROPEAN UNION	
Commission of the European Communities, <i>Communication from the Commission on the Precautionary Principle</i> , reproduced in Codex Document CX/GP 00/3-Add.3.	The communication discusses the Commission's approach to applying the precautionary principle, guidelines for applying it, risk management and assessment, and when not to apply the precautionary principle.
European Council, <i>Resolution on the precautionary principle</i> , Annex III of Conclusions of Presidency, European Council of Nice, 7-9 December (2000), Bulletin EU 12-2000 < <a href="http://europa.eu.int/abc/doc/off/bull/en/200012/p000042.htm#anch0073">http://europa.eu.int/abc/doc/off/bull/en/200012/p000042.htm#anch0073</a> >	The Council Resolution follows the Commission's Communication.

WATERCOURSES	
<p><i>Bonn Recommendations for Action</i>, International Conference on Freshwater, Water – A Key to Sustainable Development, 3-7 December 2001.</p>	<p>Recommendation 6            ... Decisions to construct large water infrastructure projects including dams should be taken after a participatory integrated assessment of needs and options, taking a precautionary approach into account. Actions to improve the performance of existing infrastructure should be a high priority. All risks, costs and benefits of new water sources and infrastructure may be necessary to provide water for development should be fully accounted for. The role of large infrastructure in sustainable development and poverty reduction should be directly demonstrated.</p>
<p><i>Malmö Ministerial Declaration</i>, First Global Ministerial Environment Forum – Sixth Special Session of the Governing Council of the United Nations Environment Programme, 5th plen mtg, 29-21 May 2000            &lt;<a href="http://www.unep.org/malmo/malmo_ministerial.htm">http://www.unep.org/malmo/malmo_ministerial.htm</a>&gt;</p>	<p>Article 3            The evolving framework of international environmental law and the development of national law provide a sound basis for addressing the major environmental threats of the day. It must be underpinned by a more coherent and coordinated approach among international environmental instruments. We must also recognize the central importance of environmental compliance, enforcement and liability, and promote the observation of the precautionary approach as contained in the Rio Principles, and other important policy tools, as well as capacity-building.</p> <p>Article 11            ... The evolving framework of international environmental law and the development of national law provide a sound basis for addressing the major environmental threats of the day. It must be underpinned by a more coherent and coordinated approach among international environmental instruments. We must also recognize the central importance of environmental compliance, enforcement and liability, and promote the observation of the precautionary approach as contained in the Rio Principles, and other important policy tools, as well as capacity-building.</p>

REGIONAL SEAS	
<p><i>Ministerial Declaration of the First International Conference on the Protection of the North Sea, 31 October – 1 November 1984</i></p>	<p>Art A7 Conscious that damage to the marine environment can be irreversible or remediable only at considerable expense and over long periods and that, therefore, coastal states and the EEC must not wait for proof of harmful effects before taking action;</p> <p>Art D3 Precautionary measures for air quality control by reduction of emissions at source should also be determined for the protection of the North Sea, based on the best available technology.</p> <p>Art H7 Precautionary measures for emergencies/accidents should be taken through detailed plans according to Annex (12).</p>

<p><i>Ministerial Declaration of the Second International Conference on the Protection of the North Sea, 24-25 November 1987</i> &lt;<a href="http://www.dep.no/md/nsc/declaration/022001-990245/index-dok000-b-n-a.html">http://www.dep.no/md/nsc/declaration/022001-990245/index-dok000-b-n-a.html</a>&gt;</p>	<p>Art VII Accepting that, in order to protect the North Sea from possibly damaging effects of the most dangerous substances, a precautionary approach is necessary which may require action to control inputs of such substances even before a causal link has been established by absolutely clear scientific evidence;</p> <p>Art XV Decide to... (ii) accept that by combining, simultaneously and complementarily, approaches based on emission standards and environmental quality objectives, a more precautionary approach to dangerous substances will be established;</p> <p>Art XVI Therefore agree to: I. accept the principle of safeguarding the marine ecosystem of the North Sea by reducing polluting emissions of substances that are persistent, toxic and liable to bioaccumulate at source by the use of the best available technology and other appropriate measures. This applies especially when there is reason to assume that certain damage or harmful effects on the living resources of the sea are likely to be caused by such substances, even where there is no scientific evidence to prove a causal link between emissions and effects ("the principle of precautionary action");</p> <p>Annex F (Joint Statement of the Wadden Sea States) 1. The Wadden Sea States are determined to do their utmost in cooperation with the other North Sea States to further reduce pollution of the North Sea from whatever source with the aim to conserve and protect the Wadden Sea area. The Wadden Sea States are of the opinion that actions in this respect should be based on the principle of precaution and that emissions of all pollutants should be limited at source.</p>
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<p><i>Ministerial Declaration of the Fourth International Conference on Protection of the North Sea, 8-9 June 1995</i>  <a href="http://www.dep.no/md/nsc/declaration/022001-990243/index-dok000-b-n-a.html">http://www.dep.no/md/nsc/declaration/022001-990243/index-dok000-b-n-a.html</a></p>	<p>Recommendation 1  that the precautionary principle be applied in fisheries management policies in accordance with the existing commitments of EU Member States, the corresponding commitments of Norway and, additionally, possible results of the elaboration of the FAO Code of Conduct for Responsible Fisheries;</p> <p>Recommendation 8  WELCOME and ENCOURAGE the elaboration within FAO of a Code of Conduct for responsible fisheries, including guidelines on the application of the precautionary approach;</p> <p>Article 17  The Ministers AGREE that the objective is to ensure a sustainable, sound and healthy North Sea ecosystem. The guiding principle for achieving this objective is the precautionary principle.</p> <p>Article 43(2)  The Ministers further agree... to confirm that the precautionary principle also applies to shipping activities and welcome and support the work within IMO to develop guidelines on the implementation of the precautionary principle in all relevant IMO activities;</p> <p>Article 54  The Ministers AGREE that more environmentally acceptable and controllable land-based solutions are preferable and in furthering a precautionary approach the Ministers AGREE...</p> <p>Article 58  The Ministers, in application of the precautionary principle and recognising the need to reduce radioactive discharges to the marine environment, AFFIRM the commitment of the North Sea States to applying these Safety Fundamentals.</p>
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<p><i>Ministerial Declaration of the Third International Conference on Protection of the North Sea, 7-8 March 1990</i></p> <p>&lt;<a href="http://www.dep.no/md/nsc/declaration/022001-990244/index-dok000-b-n-a.html">http://www.dep.no/md/nsc/declaration/022001-990244/index-dok000-b-n-a.html</a>&gt;</p>	<p>The participants ... will continue to apply the precautionary principle, that is to take action to avoid potentially damaging impacts of substances that are persistent, toxic and liable to bioaccumulate even where there is no scientific evidence to prove a causal link between emissions and effects . . . .</p> <p>In applying the precautionary principle, to co-ordinate initiatives to reduce nutrient inputs with the aim of achieving the goal set at the Second Conference on the Protection of the North Sea, in particular through implementation by the Contracting Parties to the Paris Convention of the programme for the reduction of nutrient inputs as established by the Paris Commission.</p> <p>Art 25</p> <p>To improve legal instruments and rules aimed at the minimization of intentional pollution, agree that the application of the precautionary principle requires the application of the Best Available Technology in order to minimize discharges of wastes and residues...</p>
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*Ministerial Declaration of the Fifth International Conference on the Protection of the North Sea, 20-21 March 2002*

**Art 10**

Recognizing that the release of genetically modified marine organisms is an emerging issue in the North Sea owing to the inherent, potentially severe, irreversible and transboundary effects, and the need to apply the precautionary principle, the Ministers agree to take all possible actions, in accordance with the requirements of the Directive 2001/18/EC and comparable national legislation, to ensure that the culture of genetically modified marine organisms is confined to secure, self-contained, land-based facilities in order to prevent their release to the marine environment.

**Art 11**

Taking account of article 8h of the Convention on Biological Diversity (CBD) and ongoing international work in this field, the Ministers agree to take action, as far as possible and as appropriate, to reduce the risk and minimize adverse effects on ecosystems, habitats or naturally occurring species arising from the introduction or release of non-indigenous species, including:

i) in the case of intentional introductions to develop and implement, where necessary, systems of approval based on the Precautionary Principle and environmental impact assessments to ensure confinement of potentially invasive non-indigenous organisms and associated biota, taking account of the ICES Code of Practice on Introductions and Transfers of Marine Organisms;

**Art 15**

Achieving a balance between sustainability and fishing effort in the North Sea must not lead to excessive fishing effort elsewhere. The Ministers invite the competent authorities to establish a management regime for deep sea fisheries in the North East Atlantic and implement it on the basis of ICES advice and following a precautionary approach.

**Art 16**

In order to rebuild fish stocks, the competent authorities are invited to:

i) establish Total Allowable Catch (TAC) levels consistent with scientific catch recommendations based on the precautionary principle;

ii) use their best endeavour to restore and keep stocks above the level of the precautionary reference points (Bpa) as soon as possible;

**Art 19**

The Ministers agree that fisheries policies and management should move towards the incorporation of ecosystem considerations in a holistic, multiannual and strategic context. While the transition towards a full ecosystem approach to fisheries management should be progressive and concomitant with the enhancement of scientific knowledge, the Ministers are convinced that the current state of scientific knowledge, coupled with a sound application of the precautionary principle, allows the immediate setting of certain environmental protection measures.

**Art 29**

As an interim objective, the Ministers agree to aim at reducing the by-catch of harbour porpoises below 1,7% of the best population estimate. On the same basis the Ministers agree on a precautionary objective to reduce by-catches of marine mammals to less than 1% of the best available population estimate, and urge the competent authorities to develop specific limits for the relevant species. In this context, the Ministers welcome the initiative taken at the 9th Trilateral Wadden Sea Conference to further improve gill-net fishery practices in order to reduce by-catch of marine mammals and birds.

<p><i>Ministerial Declaration on the Protection of the Black Sea</i>, 7 April 1993 &lt;<a href="http://eelink.net/~asilwildlife/odessa.pdf">http://eelink.net/~asilwildlife/odessa.pdf</a>&gt;</p>	<p>Preamble ... To these ends they confirm their commitment to integrated management and sustainable development of coastal areas and the marine environment under their national jurisdiction and will base their policies on the following: A precautionary approach</p>
<p><i>Baltic Sea Declaration</i> (Ronneby, Sweden, 3 September 1990) &lt;<a href="http://www.helcom.fi/helcom/declarations/1990.pdf">http://www.helcom.fi/helcom/declarations/1990.pdf</a>&gt; (reproduced in <i>1 Yearbook of International Environmental Law</i> at 4237 (1990)</p>	<p>Signatories state their firm intention to: 12. Apply the precautionary principle, ie to take effective action to avoid potentially damaging impacts of substances that are persistent, toxic and liable to bioaccumulate even when there is lack of full scientific certainty to prove a causal link between emissions and effects. This applies especially when there is reason to assume that certain damage or harmful effects on the marine ecosystems are likely to be caused by such substances;</p>
<p><i>Declaration on the Protection of the Marine Environment of the Baltic Sea, adopted on 15 February 1988 in Helsinki by the Ministers Responsible for the Environmental Protection of the Baltic Sea States</i> &lt;<a href="http://www.helcom.fi/helcom/declarations/1988.pdf">http://www.helcom.fi/helcom/declarations/1988.pdf</a>&gt;</p>	<p>Preamble ...Being convinced that damage to the marine environment can be irreversible or remediable only in a long term perspective, and at considerable expense and that, therefore, Contracting Parties to the Convention must adopt a precautionary approach and not wait for full and undisputed scientific proof of harmful effects before taking action to prevent and abate pollution...</p>
<p><i>Ministerial Declaration of the Seventh Trilateral Government Conference on the Protection of the Wadden Sea</i>, 30 November 1994 &lt;<a href="http://www.ncs01ext.ribeamt.dk/Web/Vadehav/IRWC-Politica.nsf/0/a0ad993845bafdfb41256a11002b5647/\$FILE/Leeurwardenuk.pdf">http://www.ncs01ext.ribeamt.dk/Web/Vadehav/IRWC - Politica.nsf/0/a0ad993845bafdfb41256a11002b5647/\$FILE/Leeurwardenuk.pdf</a>&gt;</p>	<p>To reduce the current number of seals taken from and released to the Wadden Sea to the lowest level possible by applying guidelines for handling diseased or weakened seals or evidently abandoned pups, and to release seals based on the precautionary approach, referred to under § 58 to be elaborated in the framework of the Conservation and Management Plan for the Wadden Sea Seal Population 1996-2000. ... call upon the North Sea ministers to apply the Precautionary Principle in the process of further developing and specifying criteria for distinguishing between the said two categories, by giving nature the benefit of the doubt in cases where little or insufficient data is available for fixing criteria;</p>
OECD	
<p><i>OECD Environmental Strategy for the First Decade of the 21<sup>st</sup> Century</i>, adopted by OECD Environment Ministers 16 May 2001,  &lt;<a href="http://www.oecd.org/pdf/M00001000/M00001182.pdf">http://www.oecd.org/pdf/M00001000/M00001182.pdf</a>&gt;</p>	<p>Discussion prior to the Strategy Objectives ...When designing policies for environmental sustainability which operationalise these criteria, countries should apply precaution as appropriate in situations where there is lack of scientific certainty. Principle 15 of The Rio Declaration on Environment and Development of 1992 includes the precautionary approach, and precaution has subsequently been addressed by various Multilateral Environmental Agreements (MEAs), such as the Framework Convention on Climate Change, the Convention on Biological Diversity and its Protocol on Biosafety, the Convention on POPs, etc. Policies and measures for environmental sustainability should also be implemented in a cost-effective manner, and contribute to the full and consistent application of the Polluter Pays and User Pays Principles...</p>