

APPENDIX 4

SELECTED STATEMENTS OF THE PRECAUTIONARY PRINCIPLE/APPROACH

A. Statements From Conventions¹

1. *Montreal Protocol on Substances That Deplete The Ozone Layer (Preamble, paragraph 6) (as amended in 1990)*

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.

2. *London Convention 1972 (Resolution LDC. 44/14) (1991)*

AGREES that in implementing the London Dumping Convention the Contracting Parties shall be guided by a precautionary approach to environmental protection whereby appropriate preventive measures are taken when there is reason to believe that substances or energy introduced in 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;

AGREES FURTHER that Contracting Parties shall take all necessary steps to ensure the effective implementation of the precautionary approach to environmental protection and to this end they shall:

- (a) encourage prevention of pollution at the source, by the application of clean production methods, including raw materials selection, product substitution and clean production technologies and processes and waste minimization throughout society;
- (b) evaluate the environmental and economic consequences of alternative methods of waste management, including long-term consequences;
- (c) encourage and use as fully as possible scientific and socio-economic research in order to achieve an improved understanding on which to base long-range policy options;
- (d) endeavour to reduce risk and scientific uncertainty relating to proposed disposal operations; and

1 All extracts from A taken from the CEPA website: http://www.ec.gc.ca/cepa/ip18/e18_01.html#J11).

- (e) continue to take measures to ensure that potential adverse impacts of any dumping are minimized, and that adequate monitoring is provided for early detection and mitigation of these impacts...

3. *U.N. Framework Convention on Climate Change (Article 3(3)) (1992)*

The Parties should take precautionary measures to anticipate, prevent or minimise 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...

4. *Convention on the Protection of the Marine Environment of the Baltic Sea Area (Article 3(2)) (1992)*

The Contracting Parties shall apply the precautionary principle, i.e., to take preventative 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.

5. *Convention for the Protection of the Marine Environment of The North-East Atlantic (Article 2(2)(a)) (1992)*

The Contracting Parties shall apply:

- (a) 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 when there is no conclusive evidence of a causal relationship between the inputs and the effects...

6. *Treaty on European Union (Article 130r(2)) (1992)*

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.

B. Non-Treaty Statements²

1. *Declaration of the Second North Sea Conference (Paragraphs VII and XVI.1) (1987)*

Accepting that, in order to protect the North Sea from possible 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...

[The participants] 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”)...

2. *UNEP Governing Council Recommendation (12th Meeting, May 25, 1989)*

Recognizing that waiting for scientific proof regarding the impact of pollutants discharged into the marine environment may result in irreversible damage to the marine environment and in human suffering.

Also aware that policies allowing uncontrolled discharges of pollutants continue to pose unknown risks...

The UNEP Governing Council recommended that all Governments adopt the ‘principle of precautionary action’ as the basis of their policy with regard to the prevention and elimination of marine pollution.

3. *Bergen Declaration (Paragraph 7) (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.

4. *Declaration of the Third International Conference on the Protection of the North Sea (Preamble) (1990)*

[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

2 Extracts Nos.1-4 from B taken from the CEPA website: http://www.ec.gc.ca/cepa/ip18/e18_01.html#J11 and No.5 taken from *Avcare Insights*, p.3.

and liable to bioaccumulate even where there is no scientific evidence to prove a causal link between emissions and effects.

5. *Agenda 21 (Oceans Chapter 17, Paragraph 17.21) (1992)*

A precautionary 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.

When an activity raises threats of harm to human health or the environment, precautionary measures should be taken even if the cause and effect relationship are not fully established scientifically.

Press release on Wingspread Conference, February 1998.