Proposal by the delegation of the Netherlands on the precautionary principle

Informal consultations held by the delegation of the Netherlands during the fifth session of the Authority have resulted in the text presented in the annex to the present document. This text is based on Principle 15 of the Rio Declaration and seeks to incorporate and make operational the concept of the precautionary principle in the draft regulations on prospecting and exploration for polymetallic nodules in the Area.¹

¹ ISBA/5/C/4.
Annex

PART V - PROTECTION AND PRESERVATION OF THE MARINE ENVIRONMENT

Regulation 32
Protection and preservation of the marine environment

1. In the conduct of activities in the Area, the precautionary principle shall be applied to protect and preserve the marine environment, by virtue of which cost-effective preventive measures are to be taken when there are reasonable grounds for concern that these activities may cause serious harm to the marine environment, even where there is lack of full scientific certainty.

2. The Legal and Technical Commission shall make recommendations to the Council on the implementation of paragraph 1 of this regulation. The recommendations issued by the Commission may, inter alia, list those exploration activities which may be considered to have no potential for causing harmful effects on the marine environment. *

* This sentence was taken from paragraph 3 of regulation 32 (ISBA/5/C/4).