

IUCN statement on Implementing the precautionary approach to activities in the Area ISBA/25/C/8

IUCN would like to express its gratitude to the Secretariat for preparing the note on implementing the precautionary approach to activities in the Area and to Chris Brown for bravely introducing it.

IUCN will not repeat the many perceptive statements already made by the African Group, the UK, the Holy See, DSCC, Brazil (and DOSI to come) and others on the need for the precautionary approach/principle to be applied throughout the work of the Authority.

IUCN would however, like to repeat what we raised at the Monday lunchtime side event in order to highlight an additional example of how precaution can enable informed decisions in the consideration of a proposed plan of work. Though it was abandoned in favor of a 50-year moratorium, the 1988 Convention on the Regulation of Antarctic Mineral Resource Activities was developed to address the challenges of protecting the environment from the impacts of mining activities in the context of high scientific uncertainty, as well as a highly fragile, remote and vulnerable environment. It provides in essence criteria for judging the suitability of an application for any future exploitation contract that this body may wish to consider.

CRAMRA Article 4¹ provides that “Decisions ...shall be based upon information adequate to enable informed judgments to be made about their possible impacts”

Article IV of the Convention on the Regulation of Antarctic Mineral Resource Activities provides:

1. Decisions about Antarctic mineral resource activities shall be based upon **information adequate to enable informed judgments** to be made about their possible impacts and no such activities shall take place unless this information is available for decisions relevant to those activities.
2. No Antarctic mineral resource activity shall take place until it is judged, based upon assessment of its possible impacts on the Antarctic environment and on dependent and associated ecosystems, that the activity in question would not cause:
 - a) significant adverse effects on air and water quality;
 - b) significant changes in atmospheric, terrestrial or marine environments;
 - c) significant changes in the distribution, abundance or productivity of populations of species of fauna or flora;
 - d) further jeopardy to endangered or threatened species or populations of such species; or
 - e) degradation of, or substantial risk to, areas of special biological, scientific, historic, aesthetic or wilderness significance
3. No Antarctic mineral resource activity shall take place until it is judged, based upon assessment of its possible impacts, that the activity in question **would not cause significant adverse effects on global or regional climate or weather patterns.**
4. No Antarctic mineral resource activity shall take place until it is judged, based upon assessment of its possible impacts, that the activity in question would not cause significant adverse effects on global or regional climate or weather patterns.
5. The judgments referred to in paragraphs 2, 3 and 4 above shall take into account the **cumulative impacts** of possible Antarctic mineral resource activities both by themselves and in combination with other such activities and other uses of Antarctica.

CAMRA expressly provides that no activity shall take place unless judged that activity will not cause: among others,

- significant adverse effects on air and water quality;
- significant changes in atmospheric, terrestrial or marine environments;
- significant changes in the distribution, abundance or productivity of populations of species of fauna or flora;
- degradation of, or substantial risk to, areas of special biological, scientific, historic, aesthetic or wilderness significance;
- significant adverse effects on global or regional climate or weather patterns.

In addition, it further requires that it be shown that the technological capacity exists to monitor key environmental parameters, to modify operating procedures to respond effectively to accidents, particularly those with potential environmental effects. Moreover, the judgments referred to above are explicitly required to take into account the cumulative impacts.

Thus IUCN suggests that these criteria and conditions could provide a useful model for further consideration of this body as part of a series of substantive, procedural as well as institutional mechanism adopted to ensure effective protection and prevent environmental degradation of our common shared ocean on behalf of present and future generations.