

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 27TH SESSION:
COUNCIL - PART I**

Informal Working Group - Environment

Please fill out one form for each textual proposal which your delegation(s) wish(es) to amend, add or delete.

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

Deep Sea Conservation Coalition

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

Draft Regulation 48

3. 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.

Adaptive management has no role where, as here, it is not consistent with the precautionary principle.

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

The New Zealand Supreme Court in [Sustain our Sounds Incorporated v The New Zealand King Salmon Company Ltd](#) at [129] has said the following matters must be satisfied for an adaptive management approach to sufficiently diminish the risk and the uncertainty:

(a) good baseline monitoring about the receiving environment; (b) the conditions provide for effective monitoring of adverse effects using appropriate indicators; (c) thresholds are set to trigger remedial action before the effects become overly damaging; and (d) effects that might arise can be remedied before they become irreversible.

They said “The overall question is whether any adaptive management regime can be considered consistent with a precautionary approach.”

In the DSM context, we know that a sufficient baseline is not available, effective monitoring is not possible, effects will be overly damaging and cannot be remedied.