

ANNEX 10

RESOLUTION MEPC.67(37)
adopted on 15 September 1995

**GUIDELINES ON INCORPORATION OF THE PRECAUTIONARY APPROACH
IN THE CONTEXT OF SPECIFIC IMO ACTIVITIES**

THE MARINE ENVIRONMENT PROTECTION COMMITTEE

RECALLING Article 38(c) of the Convention on the International Maritime Organisation concerning the functions of the Marine Environment Protection Committee,

NOTING that General Assembly resolution 47/191 requests the United Nations Specialized agencies to report on steps taken to strengthen and adjust their activities in line with Agenda 21,

NOTING ALSO that the Marine Environment Protection Committee, as IMO's focal point for UNCED follow-up actions, approved in November 1994 a report to the Commission on Sustainable Development in fulfilment of General Assembly Resolution 47/191,

AWARE that principle 15 of the Rio Declaration calls for the application of the Precautionary Approach,

ADOPTS these guidelines on incorporation of the Precautionary Approach in the context of specific IMO activities, on an interim basis until further experience with their application has been gained,

REQUESTS all relevant IMO bodies to review the guidelines and provide comments to the Committee with a view to their eventual submission to the Assembly for adoption as guidance for all relevant IMO activities.

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IN THE CONTEXT OF SPECIFIC IMO ACTIVITIES**

1 The precautionary approach referred to IMO as set out in Principle 15 of the Rio Declaration states:

"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."

and in Agenda 21, chapter 17:

"17.21 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.

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, precautionary 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;
- (b) Ensure prior assessment of activities that may have significant adverse impacts upon the marine environment;
- (c) Integrate protection of the marine environment into relevant general environmental, social and economic development policies;
- (d) Develop economic incentives, where appropriate, to apply clean technologies and other means consistent with the internalization of environmental costs, such as the polluter pays principle, so as to avoid degradation of the marine environment;
- (e) Improve the living standards of coastal populations, particularly in developing countries, so as to contribute to reducing the degradation of the coastal and marine environment."

Incorporation of the precautionary approach in the work of IMO

2 Many accidents and incidents giving rise to damage to the environment are due to failure to comply with existing standards and procedures, rather than to inadequacies in the instruments concerned. Damage to the environment may also be caused by operational pollution, human error, system failures or *force majeure*.

3 Many of the current IMO activities are directed at achieving improved compliance, viz. flag State implementation, port State control and the International Ship Management (ISM) Code. The underlying philosophy of the precautionary approach as set out in Principle 15 of the Rio Declaration and particularly the section on "lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation" could usefully be applied.

Decision-making and management processes

4 The following elements for decision-making and management processes, which would seem desirable if a precautionary approach is to be routinely incorporated into the work of IMO should ensure:

- .1 anticipation and prevention of environmental problems arising from any regulatory activities of IMO and striving for continual improvement in all facets of those activities;
- .2 that solutions to problems and consideration of new and existing policies, programmes, guidelines and regulations are developed in accordance with the precautionary approach;
- .3 that; where action is necessary and options may involve uncertainty, all options are evaluated consistent with the precautionary approach;
- .4 adoption of cost effective practices and practical solutions to problems and promotion of their continued development;
- .5 where appropriate, that decision-making is preceded by environmental assessment and risk analysis to identify the environmental impacts of the proposed or alternative courses of action, whether these impacts can be prevented or minimized and how this might be done;
- .6 improvement of decision-making and management by obtaining and providing baseline and other data, identifying and explaining environmental changes;
- .7 promotion of national and international research, analysis and information programmes to identify, understand and disseminate information about threats to the environment from maritime operations, to contribute to defining problems, including analysis of the degree of risk involved, by which uncertainties are reduced, and developing and testing solutions to problems;
- .8 consideration and adoption of economic incentives to encourage environmental responsibility so as to conserve the marine environment and avoid its further degradation;
- .9 support for development of new and existing policies, programmes, guidelines or regulations, where appropriate, which contribute to the protection and enhancement of the marine and coastal environment consistent with IMO's mandate;

- .10 that, as necessary and appropriate, IMO should, through programmes such as its Integrated Technical Co-operation Programme, assist countries to improve their capabilities in order to comply with IMO standards in the shortest possible time;
- .11 where existing practices fail to provide adequate environmental protection, encouragement of the development and use of cost-effective interim protective measures within feasible time-frames, which include best environmental practice and best available technology;
- .12 promotion of clean technologies and waste minimization techniques for maritime activities, including use of best environmental practice and best available technology to ensure improving environmental performance.

The precautionary approach should not be considered in isolation of other IMO practices, procedures and resolutions, including resolutions A.500 and A.777 and principles such as the "polluter pays" principle as reflected in Rio Declaration principle 16.

Framework for incorporation of the precautionary approach into the programmes and activities of IMO

5 In order to promote incorporation of preventive, precautionary and anticipatory approaches as identified above in the programmes and activities of IMO that might impact the environment, the decision-making and management framework outlined below should be followed.

Consistent with resources and workload demands, the review and consideration should include environmental assessments and a systematic review of IMO's work.

(1)
Review and consider environmental risks when prioritizing IMO's work

In developing measures to prevent or reduce pollution, priority should be given to the use of cost-effective pollution prevention measures such as clean production, product substitution, and waste minimization. Not engaging in polluting activities should be considered as an option when there are imminent threats of serious or irreversible damage.

(2)
Evaluate feasibility of pollution prevention measures

Where pollution prevention measures are not available, discharge standards or other cost-effective measures to protect the marine environment should be established, based upon the best available scientific information. This should include consideration of the results of any environmental assessments used in step (1).

(3)
Where measures under (2) are not available, use best available information and science to set standards

In developing environmental measures, consideration should also be given to the steps needed for their effective implementation. This might include enforcement provisions, verification procedures and techniques, achievable schedules and deadlines, and capacity-building and technical co-operation programmes for developing countries.

(4)
Identify implementation steps and procedures

Where scientific uncertainties arise as to the sufficiency of standards, targets or the availability of appropriate technology, these uncertainties should be identified. The results should be used to incorporate into an action plan used to encourage and promote, within IMO and the Member States, research to reduce or eliminate the uncertainties. The outcome of such research should then be used to review and improve the measures adopted and to establish, where appropriate, phase-in dates for improved technology.

(5)
Promote research or gather more data to reduce uncertainties or improve technology

Following development of measures, their effectiveness in protecting the environment and the extent to which they are actually implemented must be reviewed. If the measures do not prove effective or are not being successfully implemented, then appropriate corrective measures should be undertaken

(6)
Assess effectiveness of implementation
