

Precautionary Principle

-- Efforts and Controversies in Establishing and Implementing Rules for Environmental Risks with Scientific Uncertainty in International Environmental Law

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Abstract

Precautionary Principle is one of the major legal principles that developed in international environmental law in the last decade, and is aimed to deal with environmental risks or impacts with no scientific certainty. The concept of precautionary principle was built in the 1992 Rio Declaration and sold to the global accordingly. By far, precautionary principle has been applied and referred in several MEAs and international dispute cases. However, no uniform understanding of its meaning is reached, amongst states and commentators. The present paper therefore seeks to address the controversies of this very principle by means of exploring the background, i.e. the special features of international environmental law, for developing precautionary principle. Attentions will therefore be made to clarify the nature and scope of precautionary principle. It is suggested that precautionary principle should function as a guideline in the decision-making process of risk management. It is therefore the aim of the present paper to examine the legal interpretations and significance of precautionary principle and to propose a structure of the contents of precautionary principle, so as to identify the preconditions for applying, and major directions provided in, this principle.

Keywords: Precautionary Principle; International Environmental Law; MEAs; Risk Management; *Nuclear Tests case II*; *Gabčikovo-Nagymaros case*; *Southern Bluefin Tuna case*; *MOX Plant Case*; Soft Law; Provisional Measures