



ALL PARTY PARLIAMENTARY GROUP

Agroecology for Sustainable Food and Farming

BRIEFING PAPER in support of 66, 112 & 113

Why should the Precautionary Principle be preserved, post-Brexit?

What is the Precautionary Principle?

The Rio Declaration (1992) states that:

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.

The Precautionary Principle proposes that when your actions are at risk of causing “serious or irreversible” harm to the natural environment, you must take a step back and choose a different route.

The Precautionary Principle encourages innovation.

The Precautionary Principle is not limited to the environmental sphere. By preventing actions that are dangerous, the Precautionary Principle supports companies and governments that aim to innovate – in any field – by preventing high-risk business-as-usual. The Precautionary Principle applies anywhere where a threat of serious or irreversible damage, and a lack of full scientific “evidence based” certainty, exists.

Why do we need it?

The Precautionary Principle is of use in a wide variety of contexts, but becomes crucial (and legally applicable) when the potential harm is serious or irreversible. The principle should be invoked to resolve situations in which potential harm is systemic and the possible consequences involve ruin or irreversible damage, such as ecocide or potential extinction.

It is essential to distinguish between ordinary Risk Management and the Precautionary Principle. We encounter daily ‘risks’ that require management and which we roughly ‘calculate’. The same applies to run of the mill economic or scientific decisions; we more or less know the possible outcomes and even if we do not, we generally know what the worst is that could happen. For example: the worst that can happen while crossing a road is to get run over. If one is run over and killed that is bad, but it is not a *systemic catastrophe*. It is less bad than one’s entire family being killed, let alone one’s entire nation or species. In this scenario the Precautionary Principle *does not*, as it is sometimes caricatured as doing, recommend against crossing any roads; it recommends against crossing a road blindfolded. *The Precautionary Principle requires us to look carefully before we leap, and only to leap if there is no alternative that does not require leaping.*

When is the Precautionary Principle decisive?

The Precautionary Principle is decisive when an uncertain risk could lead to *ruin*. The risk of ruin makes

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the Precautionary Principle irrefutable, for *a system that results in ruin cannot recover*. In such cases there is a very clear need for precautionary intervention, especially when the system at risk plays a major role in vulnerable ecosystems or life on the planet.

A key constituent of ruin is increased uncertainty, because *as uncertainty increases so too does the scope for harm*. Critics use this argument to say that because, for example, there is uncertainty associated with the evidence for man-made climate change the risks may be less than some people predict. However, this ignores the fact that the risks may also be much *greater*. *The ruinous case, where the risk may be greater than we could anticipate or insure against damage from, must always be prevented*.

Some argue that human beings are natural risk takers and that we should allow people to make their own decisions instead of hampering them with the Precautionary Principle. But this highlights a misunderstanding of ruin. Ruin is not a mere possibility, it is a statistical certainty if the ruinous action continues. e.g. If a man jumps off a foot-stool he is unlikely to die, whereas if he jumps off a twenty storey building he will surely die and even if he jumps off a two storey building repeatedly, chances are he will die. *There is a point at which the human body cannot absorb any more damage*. In terms of the planet, ruin could occur when we lose a particular percentage of biodiversity or when ocean acidity reaches a dangerous pH. These are therefore risks that simply must not be countenanced. No potential benefits outweigh them.

Why is being 'evidence-based' not enough?

Standard scientific methodology works well for establishing, with reasonable confidence, how reality appears to work over time. Standard scientific methodology shoots down rash claims and demands evidence. Typically, scientists are concerned to avoid false positives, aka "false alarms", which explains why many scientists are relatively cautious in claiming direct connections between extreme weather and anthropogenic climate change. If one takes the risk of acting upon what may turn out to be "false positives" one might be shown to have been more pessimistic than circumstances warrant. However this standard approach is not appropriate in situations where, *by the time all the evidence is in, it will or would be too late to stop grave harm*. A case in point is The Secretary of State for Environment Food and Rural Affairs, the Rt Hon Michael Gove MP recognising the threat that neonicotinoids pose to our pollinator populations, and, implicitly evoking the precautionary principle, agreeing in principle to back up the EU decision to protect pollinators by banning all use of neonicotinoids except in greenhouses. The APPG support this action - explicit and early adherence to the Precautionary Principle would be a better way to ensure safety for ecosystems, food systems and humans.

It is sometimes argued that the Precautionary Principle stands opposed to "sound science" but this is incorrect. The Precautionary Principle simply takes us beyond our obsession with evidence based decisions. *Having a solid evidence base that points firmly in the direction of one particular policy solution is not always possible*. It is dangerously inappropriate to insist that, without such evidence, no action should be taken to defend against potentially severe threats.

Being "evidence based" can too easily become an excuse for continued reckless action where there isn't enough definitive evidence to prove danger. "Geo-engineering," together with technologies for removing greenhouse gases, (Negative Emission Technologies), offer an extreme case of the problems inherent in acting only on the basis of current scientific evidence. How can we test the consequences of Geo-engineering without potentially putting the planet and humanity at risk? Yet until we were to do so, advocates of evidence-based policy could claim that there was no evidence that Geo-engineering is harmful. 'Evidence-based politics' thus can be a slogan used by corporations to mean: wait until harm is done before doing anything about it. Corporate scientists claim that an absence of evidence of harm can be quoted as evidence of an absence of harm: but *this is false*. The Precautionary Principle should be applied when we lack evidence of an absence of harm. Until such evidence of absence of harm is provided, we should be cautious.

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The Precautionary Principle past, present and future

Before the Precautionary Principle existed, there was no means of facilitating an appropriate methodology in relation to risk and uncertainty. The Precautionary Principle was established to ensure an effective way of preparing for uncertain and potentially destabilising global and local futures, both for people and nature. In order not to give a false sense of reassurance that could “legitimate” actions that turn out to be harmful, the Precautionary Principle ensures such harms do not knowingly occur, by reversing the normal burden of proof, as described above.

The Precautionary Principle is in UK law via its presence in international law, especially through EU law and The Maastricht Treaty.

The Rt Hon Secretary of State, Michael Gove, has stated publicly that he wishes to preserve the Precautionary Principle. This intention is also stated in the Government's recently-issued 25 year Environment Plan. However, at present his proposed method for preserving the Precautionary Principle appears to consist of the EU environment principles going into a National Policy Statement (NPS), and then the Environment Bill and Agriculture Bill both stating that government must act “in conformity with” (or some similar wording) what is in the latest version of that National Policy Statement.

Linking the National Policy Statement to law means that the Precautionary Principle will have a real basis in law - but, of course, only so long as it (the NPS) remains intact. And there lies the weakness: the National Policy Statement could be changed by Government virtually at whim, and without any Parliamentary veto.

The Precautionary Principle needs to be bedded into UK law

The APPG would like to see the Precautionary Principle included explicitly in all relevant UK legislation: starting with the EU Withdrawal Bill, Environment Bill and Agricultural Bill.

Key recommendation:

The proposed statutory ‘watchdog’ should have the key environmental principles – especially the precautionary principle and the prevention principle (that prevention is better than cure) - embedded explicitly in its duties.

A draft text that would achieve this as follows:

This body shall have regard in all its decisions, wherever salient, to the Precautionary Principle as articulated in international law.

Or alternatively:

This body shall have special regard to the environmental principles of the European Union. The “environmental principles of the European Union” are – ((a)) the precautionary principle... Then each of the listed principles should be defined.

How to enshrine the Precautionary Principle post Brexit

- A commitment to leadership with regards to questions of serious risks of uncertain magnitude for humans, animals and the environment, which can be demonstrated by a serious commitment to the Precautionary Principle.

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- An acknowledgment that while evidence of harm may be a silver standard, absence of such evidence should not be used as an excuse for prevarication or complacency when preventative action would be the more prudent course. This prudence should be enshrined by preserving, and possibly strengthening, the Precautionary Principle in the Brexit process.
- An acknowledgment of the fact that evidence of *safety* is the gold standard. Until such evidence is available, we must apply the Precautionary Principle. The Precautionary Principle stands guard, until evidence of safety is accrued.
- An application of the Precautionary Principle in the domains of agricultural, environmental and animal welfare policy. This will require significant changes in assumptions and practices, highlighting the need for the proposed environmental watchdog to be given real teeth.
- A reinforcement of The Precautionary Principle via the new watchdog, with the Precautionary Principle central to its terms of reference, with the safeguarding and application of the Precautionary Principle included in the duties of the new body.

Notes:

This Report was written by Dr Rupert Read of the University of East Anglia, with editing assistance from You Said It Ltd. for the APPG on Agroecology for Sustainable Food and Farming. The author wishes to point out that while the Precautionary Principle has been subject to some controversy, the interpretation offered here is consistent with national and international law.



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