

Precautionary Principle in Administrative and Legal Decisions.

The Environmental Foundation and Natural Resources (Fundación Ambiente y Recursos Naturales, FARN) coordinated a workshop titled “Precautionary Principle in administrative and legal decisions,” with guests, Sheila Abed (CEL) and Klaus Bosselmann (UICN-CEL).

The event was centered on the challenges related to implementing the precautionary principle. The principle points developed were as follows:

- The need to consider the proportionality, based on the relation between expected harm and the probability, and to establish a threshold accordingly.
- The need of an integral focus on the precautionary principle.
- Diverse assessments were presented regarding the role of administrative authorities, considering that in many cases there is the possibility of application of general policies themselves, and in this way, an application broader than the principle.
- The workshop also made reference to how the principle can influence the process of law creation and intergenerational solidarity through links with the requests for authorization of certain projects. (ex: New Zealand).
- As for the role of the judges, although it was noted that their decisions apply to more specific cases, it was also considered that in some countries the consideration of precautionary principle to require more information, interpret tests or request use of tools/strategic processes in legal sentences, has served to provoke change in administrative institutions, (ex: Argentina.)
- The workshop emphasized the importance of recognizing nature as a subject of the law.
- Another notable aspect presented is the need to consider the sustainability principle and that environmental aspects cannot compare to economic ones, given that the former are above the latter.
- Diverse sources mentioned that they consider the precautionary principle as much at the International level, as in the *Carta de la Tierra*, as at the state legislation level.

The experience of creating UICN guidelines in the 2004 project by Resource Africa, UICN, TRAFFIC, Flora and Fauna International that drew from case studies from diverse parts of the world, was also noted. These guidelines were later revised by UICN's Ethic Specialists in Environmental Law Commission Group, giving place to the version passed in the UICN's 67th Advisory meeting, UICN14-16, in May 2007.

To conclude, the specific recommendations linked to the application of these guidelines that surfaced were: development of proposals of procedural rules for legal decision-makers, that lead to more specific ones for the application of precautionary principle and to a revision of the guidelines in 4-5 years based on the cases presented in its application.