

Different kinds of precaution. A comparative analysis of the application of the precautionary principle in five different legal orders

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Different Kinds of Precaution:

A comparative analysis of the application of the precautionary principle in five different legal orders

Defended in public on Friday 17 April 2009 at 10.00 by

Joakim Fredrik Iwo Zander

Propositions

1. All responsible governments will, under certain circumstances, issue precautionary measures, regardless of whether they subscribe to a “precautionary principle” or not.
2. The failure to enact a formal framework for the application of the precautionary principle might lead to it being used to justify protectionist measures.
3. Unless the European Court of Justice expands its deferential review in cases surrounded by scientific uncertainty, effective judicial redress in such cases is not ensured.
4. A truly precautionary measure is a measure that reduces the over-all risk level in society in a cost-effective manner.
5. All regulatory decisions must be based on the best available knowledge.
6. Regulatory measures aiming to protect human health and the environment are rarely cost-neutral.
7. In order to come to terms with the serious threats to the global environment, the issue of poverty needs to be urgently addressed.
8. Free and open markets are not threats to sustainable development, but its necessary precondition.
9. There is no excuse for not doing the best we can.
10. “There is never going back, only going forward. We’re mods, you know what I mean?”