

THE UNBEARABLE LIGHTNESS OF ENVIRONMENTAL LAW— FROM FLEXIBLE NORMS TO FLEXIBLE FACTS

By APCEL Visiting Researcher
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Chairperson: Assistant Professor Jaclyn L. Neo
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4pm – 5.30pm (Registration begins at 3.30pm)
Lee Sheridan Conference Room, Eu Tong Sen Building,
Faculty of Law, NUS Bukit Timah Campus

ABSTRACT

Flexible norms are common in environmental regulation. They appear to reflect a fundamental character of environmental law as a battlefield of competing values where choices are left open at the drafting stage. While the presence and use of flexible norms have received much scholarly attention, less attention has been paid on how facts used in environmental regulation and decision-making are also uncertain in their nature. Flexible norms appear inevitable since laws and decision-making tend to be forward-looking, i.e. the situation decided upon has not yet taken place but is yet to come. What does this mean for adjudication? Are adjudicators engaging in a form crystal gazing, based on mere assumptions or opinions, when deciding environmental law cases? If so, what does this mean for legal certainty? Could their work be built on some legally solid basis? These questions are examined drawing from the work by R. Dworkin, R. Alexy and R. Keeton. A concrete example is taken from EU water law, specifically from its most recent development in the adaptive water management regime i.e. the Water Framework Directive (2000/60/EC). The Directive's meticulous concentration on collecting and analyzing scientific knowledge serves well to illustrate this somewhat underdiagnosed but essential dilemma of environmental law.

ABOUT THE SPEAKER



Ms Tiina Paloniitty (née Korvela) is a Doctoral Candidate at University of Helsinki, Faculty of Law. She received her LL.M. degree from Helsinki at 2010 and has been preparing her PhD dissertation on the regulation of diffused water pollution from agriculture from 2011. The project is fully funded by Kone Foundation and is intended to end in 2016. Even though her dissertation will be a monograph, she has actively published articles during the years—her latest publication is on the methodology of environmental law, published in *Journal of Human Rights and the Environment* (6.1, 2015).

During the preparation of her dissertation she has also been studying pedagogy and teaching environmental law to the undergraduate students. She has been consulting the Ministry of the Environment of Finland on various occasions, especially regarding water management regulations and marine strategies.

From 2008, Ms Paloniitty has been active in the Finnish Society of Environmental Law, first as a secretary, followed by an amanuensis. A society having some 450 active members, all practicing environmental law. Most recently, Ms Paloniitty and some other younger members initiated a Youth Alliance for the newest generation of practitioners to network and socialize.

REGISTRATION

Registration is complimentary and accepted on a first-come-first-served basis. Please register early to avoid disappointment and only light refreshment will be served. For enquiries, please contact Ms Shirley Mak at Tel: 6516 6246. Please click [here](#) or scan the QR code to register.



Closing Date: Friday, 12 June 2015 (by 5pm)