



European Parliament
Parlamento Europeo



IAES – International Academy
of Environmental Sciences

PRESS CONFERENCE

WEDNESDAY 25th SEPTEMBER
at 15:00

“Anna Politkovskaja” room
European Parliament, Brussels

CONFERENZA STAMPA

MERCOLEDÌ 25 SETTEMBRE,
ore 15:00

Sala Anna Politkovskaja,
Parlamento europeo, Bruxelles

TITLE

“A EUROPEAN COURT OF JUSTICE TO DEFEND HEALTH AND ENVIRONMENT: A PROPOSAL TO CHANGE EUROPE”.

ABSTRACT

The European Court of Justice on health and environment.

Climate change is a new challenge towards the protection of the Common goods and the citizens' rights. We need a stronger answer against the environmental crimes that cause significant harm or risk to the Planet and human health. The 'polluters pay principle' should never become a dead letter.

GUESTS:

Tiziana BEGHIN, head of Five Star Movement delegation in the European Parliament.

Fabio Massimo CASTALDO, vice-presidente of the European Parliament, Five Star Movement MEP

Antonino ABRAMI, professor emeritus University of Nova Gorica

Marie-Odille BERTELLA GEOFFREOY, lawyer, former vice-president Court of Paris.

Laura FERRARA, Five Star Movement MEP

Piernicola PEDICINI, Five Star Movement MEP

Jacopo BERTI, Five Star Movement's Veneto regional councillor

TITOLO

“UNA CORTE PENALE EUROPEA PER DIFENDERE L'AMBIENTE E LA SALUTE DEI CITTADINI: UNA PROPOSTA PER CAMBIARE L'EUROPA”.

TEMA

Una Corte penale europea della Salute e dell'Ambiente

I cambiamenti climatici lanciano sfide nuove alla tutela dei Beni Comuni e dei diritti dell'Uomo. C'è bisogno di una risposta organica ed efficace per sostenere i cittadini che hanno fame di giustizia. Bisogna rafforzare la lotta contro i reati ambientali che mettono a rischio il nostro Pianeta: il principio 'chi inquina paga' non deve più restare lettera morta.

OSPITI:

Tiziana BEGHIN, capodelegazione del Movimento 5 Stelle al Parlamento europeo,

Fabio Massimo CASTALDO, europarlamentare del Movimento 5 Stelle e Vicepresidente del Parlamento europeo,

Antonino ABRAMI, professore Emerito dell'Università di Nova Gorica

Marie-Odille BERTELLA GEOFFREOY, avvocato, già vice presidente del Tribunale di Parigi e coordinatrice di un pool di magistrati in tema di salute pubblica.

Laura FERRARA, europarlamentare del Movimento 5 Stelle

Piernicola PEDICINI, europarlamentare del Movimento 5 Stelle,

Jacopo BERTI, consigliere regionale Veneto del Movimento 5 Stelle



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Intervento del Prof. Antonino Abrami
Speech by Professor Antonino Abrami

**Corte Penale Europea della Salute e dell'Ambiente:
dall'Europa una giustizia "effettiva, proporzionata e dissuasiva"**

*European Penal Court of Health and Environment: from
europe a justice "actual, proportioned and dissuasive"*



EUROPEAN PENAL COURT OF HEALTH AND ENVIRONMENT
FROM EUROPE A JUSTICE
"ACTUAL, PROPORTIONED AND DISSUASIVE"

.....

The climatic-environmental situation, with serious problems of drought and unhealthiness is largely the current situation of the Planet Earth; it is so dramatic that there is no need for strong words that would add verbal violence to factual and current violence, sadly present for years!

Various sources - including the special edition Eurobarometer 295 (03/008) - indicate that most European citizens, due to the direct impact to their daily life, consider environmental protection to be very important.

Since the environment became part of the EU's competences, many were the rules adopted. However, the real problem still remains their application in the Member States and Directive 2008/99 / EC on environmental criminal protection does not solve the problem of the effectiveness of this protection.

It requires Member States only to include in their national legislation criminal sanctions in relation to serious violations of the provisions of Community law on environmental protection. However, nothing it says in relation to "effectiveness", to "how" one can and must apply the norm.

Recently, Unicef and WHO have highlighted that "in the world one person in three is without safe drinking water".

Yet, a recent study published in Nature prefigures an increase in armed conflicts by up to 26% if global temperatures continue to rise.

It should be immediately pointed out that the current ENVIRONMENTAL JUSTICE system in Europe appears to be inadequate in the face of such emergencies.

In fact, despite the important progress made with the European directive of 2008, relating to the protection of the environment, it is clear that the many environmental disasters of different nature, from the disaster of the Danube basin, to the many disasters at sea [Amoco Cadiz in France (1978), Erika, coasts of Brittany (1999), Prestige, coasts of Galicia (2002), etc.] have proved. By the same admission of the EC, that a different protection plan is necessary to guarantee, at European level, an effective uniform sanction system - first in Europe and then in the world - where the word "responsibility" does not remain a flatus vocis in the desert, a mere statement of principle.

It was precisely following the Danube Disaster that the EU was well aware of the inadequacy of the sanctioning system in force in Europe for dealing with major environmental disasters.

On 31 January 2000 a dam of the Romanian gold mine of Aurul (owned by an Australian company) broke the banks pouring into the rivers Lepos and Zamos, tributaries of the Tisa, a large quantity of the poison, used for the extraction of the metal.

Over 100,000 m³ of water containing a very high percentage of cyanide polluted the Lapos and Samos rivers in Romania, the Tisza river in Hungary and the Danube in Serbia and Bulgaria, with a disaster for the Danube delta, one of the most important wetlands in the world covering 4300 km².

Concentrations of cyanide greater than 700 times normal levels were detected, which caused a large number of fish and birds death and serious destruction of aquatic flora, with enormous damage to natural ecosystems. With the loss of biodiversity and contamination of the food chain and water resources intended for human consumption and agriculture, due to the heavy metals deposited in the river, and which it will have repercussions on the lives of all the inhabitants of the region, in particular fishermen and those who live off local tourism. The effects were terrible for irrigation, food use water, for ecosystems (animals, plants of all kinds ...), the economy and the fishing and tourism industry.

An inquiry was organised by the European Commission whose conclusions were clear and also constituted a significant act of denunciation: the inefficacy sanctioning of the Romanian legislation was ascertained and the absence of an effective system of intervention and verification of the facts !!

From the Danube disaster we realize the urgency of intervening on the environmental justice system in Europe!

So, subsequently, the establishment of the European Criminal Court of the Environment to pursue environmental crimes, proposed by the undersigned before the ENVI Commission, was considered legally founded and achievable in the medium term by the "General Directorate for Internal Policies".

Let the EU departs from that important evaluation and in the "medium term" gives the EU peoples an extraordinary tool of justice for the protection of human rights, starting with the right to public water, for a truly eco-sustainable development. The Court and a European Criminal Prosecutor of the Environment, would have powers based on which they could intervene in case of inaction by Magistrates of EU countries.

Furthermore, we have on one hand the urgency to provide and on the other the interdisciplinary nature of the environmental matter, it is necessary to proceed as follows:

- a) the inclusion of the institution of the European Criminal Court for Health and the Environment and of the European Environmental Prosecutor in the political-programmatic agenda of the Justice and / or Environmental Commissioners
- b) the establishment of a legal-scientific commission whose members will have to be well-known

experts with different objectives, including:

- To elaborate the Statute of the European Criminal Court of the Environment, with specific regulatory provisions on its jurisdiction and on the legal instruments for preventing and suppressing environmental infringements and any other provisions required for an effective and efficient functioning;

- To elaborate a study-proposal- to allow the Court to control / coordinate the investigation activities by the magistrates of the Member States, inspired by the principles of PREVENTION, PRECAUTION, CORRECTION and "WHO POLLUTES PAYS" (The polluter-pays principle and environmental liability) and take actions in the event of failure to act by the magistrate of the member country, whose omission will necessarily be reported to the self-governing body of the Judiciary to which it belongs;

- To develop a study-proposal to establish a register of Health and Environment journalists in the EU and they must outline in their CV an experience in human rights and on the protection of the Environment and Health. Journalists must also have an absolute abandonment of other publicity activities having potential conflict with the aforementioned principles, with the provision that they are in agreement with the association of journalist with proportionate, dissuasive and effective sanctions in the event of violation of said rules;

- Prepare a study proposal to allow the Foundations, Associations and Single Cities Associations and / or regions to be able to interact with the constituted Commission, to allow it to proceed better with the aforementioned tasks;

- To elaborate studies-proposal on the subject of Science - technology, Health and Environment in order to identify the best technologies for the treatment of diseases such as cancer and other invalidating and "new generation" diseases;

- Draw up proposed studies on the subject of Science - technology, Health and the Environment for the elimination - harmless pollutants that seriously are damaging the health;

- Elaborate studies-proposals on judicial, political-economic control relating to the so-called "climate migration";

- To elaborate studies-proposals for the Enhancement of the CULTURE RESOURCE, combining to the Maximum Health-Environment relationship with the historical-Cultural identity, in the contextual respect of the principles of natural and Cultural biodiversity

- To elaborate studies-proposals for the Enhancement of the principles of Circular Economy to be applied to the new choices of sustainable development as recently established by the Court of Justice.

Dear all, having had the patience and the strength to listen to me, I therefore consider it right to conclude with a few words, recalling two fundamental principles to which I have always been

inspired, both in my work as a magistrate and as a scholar.

The **FIRST PRINCIPLE** is taken from a Colin Powell's reflection when in 1999 he emphasised how sustainable development depended (depends) on three "factors" and "":

«ECONOMY, ECOLOGY, EQUITY»

"**SUSTAINABLE DEVELOPMENT**" - Powell said - is a moral and humanitarian problem that involves us but it is also a duty for everyone to face it for security ", and - we add - for health and environmental, economic and social, personal and collective security , safety at work and during work, where **POVERTY** (lack of resources in Economics), **ENVIRONMENTAL DEGRADATION** [alteration of Ecosystems (**ECOLOGY**)] and **DESPERATION (SOCIAL INIQUITY)** are destroyers of Persons, of Society, of Nations, of People.

The **SECOND PRINCIPLE**, no less important, is acknowledged by UNESCO that in 2001 it expanded the concept of **SUSTAINABLE DEVELOPMENT** underlining that "cultural diversity is necessary for humanity as is biodiversity for nature (...)" cultural diversity is one of the roots of development understood not only as an economic growth, but also as a means to lead to a more satisfying existence on the intellectual, emotional, moral and spiritual level "(Art. 1 and 3, Universal Declaration on Cultural Diversity, UNESCO , 2001)

These two principles must be the basis for solving the great challenges, even humanitarian, of the third millennium, since the three factors 'E', especially if **CULTURAL DIVERSITY** is ignored, are the three contributing factors that can destabilize countries, even entire regions, the world!

Knowing how to reconcile these high, fundamental principles of respect and protection of human rights with respect for the sovereignty of the people and the commons!

This is the true challenge of the third millennium!

And if man does not understand this and if there will only be living for money, then, inevitably, unfortunately, what we have been fearing for years and years will come true as stated by an Indian American people¹ who thus cried in the wind

WHEN THE LAST TREE WILL BE CUT, THE LAST RIVER POISONED, THE LAST FISH FISHED, YOU WILL ACKNOWLEDGE THAT MONEY CANNOT BE EATEN.

OUR LAND IS MORE THAN YOUR MONEY. UNTIL THE SUN WILL SHINE AND WATER WILL RUN, IT WILL GIVE LIFE FOR MEN AND ANIMALS ".

So he concluded that profound pill of wisdom:

"One cannot sell the life of men and animals".

Here we trust that in order to hinder these sales-sell-offs the **Politic**, with a capital **P**, can give,

¹ The Nitsitapi, better known as "black feet"

in addition to some other food for thought, also a formidable instrument of protection for the many Communities attacked in Health, in the loss of their personal existential Security health, economic and anthropological-cultural to assert their rights and for a Justice with effective, proportionate and dissuasive sanctions!

Venice, 24 September 2019

Antonino Abrami

Professor Emeritus of the University of Nova Gorica

