WELCOMING ADDRESS

BY

HON. CHIEF JUSTICE GIOVANNI CONSO

FORMER PRESIDENT, ITALIAN CONSTITUTIONAL COURT
HONORARY PRESIDENT, ICEF

The aim of the Symposium is to expand on the conclusions of the recent World Summit on Sustainable Development held in Johannesburg last year and, in particular, on those of the Global Judges Symposium promoted by UNEP, focusing attention on the necessity and urgency related to enforcing existing environmental law, with the object of implementing common initiatives at international and Community levels and in individual States.

Judges of the Supreme Courts of various countries as well as authoritative international experts are present in this Symposium.

In order to discuss the role of judges and requirements of their profession, the Symposium looks at matters relating to judicial training, information systems designed to assist them, prevention and control, practical enforcement of penalties, joint enquiries between judges in different countries, the role of case law and mechanisms for implementing international rules and Community Directives in national legal orders, with special reference to Framework Environmental Conventions.

The Symposium takes place under the patronage of prestigious international organisations – UNEP, IUCN – The World Conservation Union, International and European Courts of Justices – and with the patronage of the Italian Government, the Italian Ministries of Justice, Foreign Affairs and the Environment, also in the light of the approaching Italian Presidency of the European Union.

I want to thank the Italian Council of the Judiciary for having hosted the Seminary and for the important collaboration. I welcome the President of Italian Constitutional Court Riccardo Chieppa, the Chief President of Italian Supreme Court of Cassation Nicola Mar-
vulli, the President of Section of the Italian Council of State, Mario Schinaia.

I am honoured to thank IUCN, represented by Nicholas Robinson and authoritative experts coming from many countries as well as UNEP, represented by Lal Kurukulasuriya, for being here: the collaboration of IUCN and UNEP has been very important for the success of this Seminary.

I hope this Seminary is going to be a useful step for the development and enforcement of environmental law.

Good work to everybody.
PREVENTION AND REMEDYING OF ENVIRONMENTAL DAMAGE

PROCEEDINGS OF THE WORKSHOP ON ENVIRONMENTAL LAW, OSTIA ANTICA, 27 & 28 MAY 2005

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WELCOMING ADDRESS

BY

H.E. PROF. GIOVANNI CONSO

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PRESIDENT OF THE ACCADEMIA NAZIONALE DEI LINCEI
FORMER MINISTER OF JUSTICE
FORMER CHIEF JUSTICE OF THE CONSTITUTIONAL COURT

It is with the greatest pleasure that I greet the judges and experts from the Member States of the European Union and also from other countries such as Norway and from around the Mediterranean-Black Sea basin, who have honoured us with their presence at this important scientific seminar. The Deputy Chief Justice of the Italian Council of State, H.E. Mario Schinaia has looked at the Italian legislation which already exists on the environment. The Judge of the Italian Supreme Court, Amedeo Postiglione (whom we thank for the enormous effort he has put into organising this initiative) prepared well in advance original and in-depth guidelines for comparing the new Directive 35/2004/EC with the legislation of the individual Member States.

I am pleased to say that the method proposed has been followed in the Reports of the judges and experts from the different countries which have been gathered together in the documentation made available to participants. There is, therefore, already a cognitive starting point, which can be further developed in future initiatives, in order to foster harmonisation with Community law in the delicate sector of the prevention andremedying of environmental damage. Community law has taken a step forward through the new Directive and the Member States are stimulated to ensure its effectiveness.

This means that there is a minimum common legal basis which does not exclude the power of individual Member States to enact wider and more stringent regulations. The role of jurisprudence is fundamental for the effective enforcement of environmental law in
individual cases and, in particular, in more delicate and complex cases regarding the prevention and remedying of environmental damage. We support and appreciate the role of the European Forum of Judges for the Environment and I welcome its representatives to this Workshop. Likewise, I warmly welcome the representative of the European Commission. In conclusion, I would also like to give you some good news: in Italy also, a constitutional reform is underway in relation to the environment, no longer solely for its aspects regarding landscape and cultural heritage, but also for the natural environment, the environment as an ecosystem, and the environment and the protection of animals, in the interest of future generations.

The publication of the Proceedings of this Workshop constitutes an important service for improving the professionalism of judges and officials within public administrations. Let me once again welcome you all and I take by this occasion to thank the Secretariat of ICEF for the organisation of the Workshop in such a beautiful and peaceful place.
The Protection and Sustainable Development of the Mediterranean-Black Sea Ecosystem

Proceedings of the ICEF International Conference
Venice, 24-26 May 2007

Amedeo Postiglione (ed.)
GIOVANNI CONSO

PRESIDENT, NATIONAL ACADEMY OF LINCEI, ROME, ITALY
HONORARY PRESIDENT OF ICEF

With growing anxiety, we are all aware that the Mediterranean-Black Sea ecosystem is, for many reasons, continuing to suffer, and is at the centre of almost daily tragedies which make it the victim of increasingly greater degradation.

Having known how to put together such a significant meeting is doubly comforting: firstly, objectively, in knowing how, at a high level, to deal with such delicate problems and, secondly, subjectively, in remembering with emotion Mario Pavan, an authentic Maestro of science and life, as well as an unforgettable Italian Minister of the Environment, who spared no energy, intelligence or charisma in coming to grips with the agonising problems of “a world which is falling apart”.

With reference to the Venice Charter of three years ago, entitled “Mediterranean-Black Sea: a common home of peace, co-operation and sustainable development”, containing a list of twenty-three objectives, it now seems to me that the occasion to look at what has occurred over these three years is not to be lost, even more so when the circumstances are very positive: the participants at the conference have not limited themselves to merely exchanging views, but they have prepared for the country they were representing specific reports on the legislative, administrative and jurisprudential situation regarding the protection of the two seas, thereby encouraging in a concrete sense the exchange of experiences and the planning of future co-operation.

There is a great, or even dramatic, urgency. Pavan wrote: “In the sea off Sicily, due to dumping from the oil industry, mercury can be found which is twenty thousand times greater than normal”. And again: “The Danube, flowing into the Black Sea, carries incredible quantities of the poisons it receives from Germany, Switzerland, Austria, Hungary, Slovenia, Croatia, as well as from Russia, the Ukraine, Macedonia, Bulgaria, Romania, etc., crossing these
States and collecting along its path the waste of the activities of a
good eighty million people who live along its banks. Then, it all
reaches to Mediterranean, being added to what has directly been
sent by other European countries, as well as that of the Middle
East and African countries”. The example coming from Central and
Eastern Europe is no less elamorous: “the rivers that flow into the
Black Sea have transformed it into the most polluted sea in the
world, bordering on agony. Its water has oxygen only in the super-
ficial fascia: below one hundred meters, it is saturated with hydro-
gen sulphide. The fauna, from the fish to the shellfish and molluses,
have almost completely disappeared with serious economic harm to
the fishermen, harm that is aggravated by the fact that the prairie
of submerged plants is disappearing” so that “further difficulties for
the reproduction and life of the scarce residual fauna” were created.
And yet, the Black Sea was richer in fauna than the Mediterranean.
Thus, an initial painful conclusion: “By continuing the way we are
going now, within forty odd years the Mediterranean will also find
itself in the disastrous condition of the Black Sea”, without
improvement, quite the contrary. The second consequence is no less
negative: “The situations of social and environmental inequality
may lead to war”, which is, in turn, “destructive of the environ-
ment”. These words should not be forgotten but be constantly
repeated without respite, exploiting every occasion on which to do
so. This conference is truly great for the support which character-
ises it, beyond anything like it in the past and for its effects on the
destiny of almost half a billion people.

Let me conclude, therefore, by acknowledging, as strongly felt as
convinced, the Authorities present here, beginning with the Mayor
of Venice and the President of the Veneto Region, for the great deal
of support they have given to this initiative in homage to the cul-
tural traditions of Venice, world heritage of mankind, and to all the
participants. Among them, a special welcome is extended to the
representatives of the U.N. and the European Commission, to the
representatives of the Council of Europe, UNESCO, the Ministries
of the Environment and the scientific world of the many countries
present here. The attendance of judges from Constitutional and
Supreme Courts, as well as from the European Forum of Judges for
the Environment and the Arab Forum of Judges for the Environ-
ment, the latter being something completely new, is no less impor-
tant. All this is especially valuable because it is from the judiciary that the implementation of the regulations can be strongly aided, in support of the work done by the Public Administrations and the Supervisory Authorities.

After an initial meeting in Venice in October 2004 which lead to the Venice Charter, the merit for having planned the conference over these three days goes to my friend Amedeo Postiglione, eminent judge and Director of ICEF. It was inspired by the need to consider the Mediterranean – Black Sea in an holistic context, in conformity, moreover, with nature itself which sees them linked and with the idea that the protection of the environment is to be seen from both the viewpoint of prevention and that of responsibility for environmental damage. Because these are operations which require the effective collaboration of all those who are directly involved, in hoping for this collaboration, I renew from the bottom of my heart, my most sincere good wishes for your very “necessary” success.
International Conference on
Global Environmental Governance

Rome - Ministry of Foreign Affairs
20-21 May 2010
ICEF CONFERENCE GLOBAL ENVIRONMENTAL GOVERNANCE 20-21 MAY 2010
Giovanni Conso
Honorary President of ICEF Foundation

Welcoming addresses

Your excellencies from abroad and from Italy beginning with the Minister of Foreign Affairs, the Hon. Franco Frattini and the Minister for the Environment, Land and Sea, the Hon. Stefania Prestigiacomo, distinguished guests, ladies and gentlemen,

It is my pleasure to wish you a cordial and appreciative welcome to all those participating in the International Conference dedicated to the increasingly delicate theme of ‘Global Environmental Governance’ which will take place today and tomorrow in this conference room that has kindly been made available by the Ministry of Foreign Affairs. Obviously, the organisation of meetings like this with such a wide subject require a great deal of preparation, beginning with sufficient time and with constant attention to anything new that may arise. Well, when this meeting was planned by ICEF and its Director General Amedeo Postiglione, whom I warmly thank for his enthusiastic, determined commitment, at the centre of it all was the devastating problem of air pollution and climate change, especially in relation to the disappointing results of the Copenhagen Conference held last December. But then two completely unexpected events occurred, thanks to a bitter, almost ironic coincidence, to superimpose themselves with immediate urgency over all the rest.
The first event, which happened just over a month ago (on 16 April), is linked to the sudden eruption of the Icelandic volcano, which has been repeated several times over the last few days, with its very fine dust, the source of risks and hardship that can puts health, agriculture and air travel in jeopardy, as seen only yesterday between the airport in Rome and those in England and Spain.
The second, still more harmful event, struck, only a month ago today (on 20 April), the Gulf of Mexico with an environmental disaster caused by the explosion and consequent sinking of the rig used for the extraction of crude oil from the Caribbean Sea. It even directly caused the death of eleven people. Here, it is not the atmosphere that is suffering but the sea bed, affecting many, many species of flora and fauna, which are both extremely valuable for the economic survival of a very vast region. And additional trouble will occur if the sea of black tar and reddish glue is allowed to reach land provoking even greater harm. Unfortunately, despite somewhat too makeshift attempts to cover the three
leaks on the sea bed that remained open after the explosion with funnels and domes (so far only one leak has been closed) – the already very serious damage suffered is continuing to grow with unpredictable consequences. Certainly, if defending ourselves from volcanoes, just like earthquakes, is a practically impossible task, except for the immediate arrival of aid, “underwater disasters” are absolutely unforgivable. President Obama was right when he cited the oil companies, blaming them for being unscrupulous in their production excesses. At this rate, “Global Environmental Governance”, seen globally, is in danger of increasingly becoming a utopia, pushing the world towards the irremediable. Also the institution, sought by ICEF, of an International Court of the Environment to judge and punish the most serious environmental offences, assuming it comes into being, would run the risk of not bearing fruit, given the demoralising lack of success that the International Criminal Court has faced up until now. There is only one ray of sunlight, even if it is confined to human rights of the first generation, namely political and civil rights: it is those rights which the noble role of the European Court of Human Rights in Strasbourg is strongly committed to, even though extending its competence to economic and social rights appears to be a much more difficult feat to achieve.

I hope that our Conference will be able to bring everyone, oil companies in primis, to be more respectfully aware of human values. Above all, it means taking into account that it is in the widest possible general interest, without exceptions, to make environmental protection become a prevailing objective - always and everywhere.