

RIVISTAGIURIDICA
DELL'
AMBIENTE

diretta da

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Abstract

LUCAS CARLOS LIMA

Inter-American Court of Human Rights - International Environmental Law Right to a Healthy Environment

The article explores recent developments in relation to the protection of the Environment in the case law of the Inter-American Court of Human Rights, especially with regard to the Advisory Opinion 23/17 and the Lhaka Honhat case. Its purpose is to identify the techniques employed by the IACtHR in order to expand its reach in relation to the protection of the right to a healthy environment. I argue that, while the recent environmental case law crystallizes important progress in the protection of environmental rights in the Inter-American System, there are potential problems with the protection of the autonomous right to a healthy environment under Article 26 of the Convention. I conclude by exploring the unfolding consequences of the arguments adopted by the IACtHR in relation to its advisory function, and the criticism of the Court's approach to environmental matters received from some judges.

Abstract

EDUARDO PARISI

Remediation – cleanup – land and landscape – waste – environmental damage

The article deepens some issues that afflict the Italian regulation on the remediation of polluted sites. The systematic aspects that make this juridical matter particularly complex are discussed, in order to highlight the discrepancies of the latest legislative reforms on this matter. The analysis is carried out also in light of a reconstruction of the most recent case law and regional laws. It brings to the detection of some proposals for a possible reform.

Abstract

ILARIA TANI

The analysis contained in the paper is twofold. On the one hand, it assesses the degree of implementation given by Italy to the enforcement chapters of European Union (EU) Regulations No. 1005/2008 (IUU Regulation) and No. 1224/2009 (Control Regulation), concerning, respectively, the prevention, deterrence and elimination of illegal, unreported and unregulated fishing and the establishment of a system for ensuring compliance with the rules of the common fishery policy. On the other hand, it addresses the subject of the responsibility of an international organization for wrongful acts committed by its member States, with specific reference to violations of the fishing licences granted by a coastal State within the framework of an agreement with an international organization. Accordingly, the analysis moves from the system of rules operating within the EU member States and through the broader system of rules concerning responsibility for wrongful acts under international law.