

Environmental damage cases with international relevance¹

Research Proposal

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1. Introduction: contents and aims of the research

To recognize occurrences of environmental damage of international dimension and to analyse their technical, legal and economic management.

Proposal: definition of suitable tools and standard operating procedures for the recognition and monitoring of environmental damage, in order to point out the current critical situation and the consequent need of a common analysis and common methodological approach as regards the technical, legal and economic elements, in order to promote the creation of an ad hoc international Institution for the prevention and remedy of environmental damage.

2. International environmental damage: the legal framework

Overview of existing international provisions on environmental damage - ex ante and ex post- as well as rules on prevention, liability and sanctions.

3. Case study: technical and legal evaluation of some relevant cases

Report about 2-3 occurrences of environmental damage. The report will outline the circumstances and type of damage, focusing on the different legal, technical and economic evaluation and management.

4. A critical point: the different approaches for the economic evaluation

Description of the main methods for the monetary valuation of environmental damages, bringing into focus their theoretical and practical differences.

5. Need of a common management of international environmental damages

From the description of the aforesaid current critical situation – the different approaches to prevention, evaluation, remedying and the different legal framing of environmental damage in the different States; different levels of enforcement of international law; non existence of an international Institution dealing with international environmental damage – to the need of a common approach to different branches of knowledge.

¹ Relazione presentata nella Conferenza internazionale : ***La Protezione e lo Sviluppo Sostenibile dell'Ecosistema Mediterraneo-Mar Nero***, organizzata dal ICEF – 24-26 maggio 2007, Venezia, Scuola Grande di S. Giovanni Evangelista

6. Proposal: "Establishment of a broad and updated data-base on international environmental damage": tools and procedures for standardised recognition. The data-base

aims to stress the existing differences in the legal, technical and economical management of international environmental damages in the Countries involved. It will contain the results of the recognizing and monitoring activities of the most relevant cases of international environmental damages. The data-base will be a register of the most important cases occurred in the past and it will be open to registrations of new cases.

7. Identification of national institutions which should take part in the project

List of Ministries, Departments, Environment Agencies (such as EPA), National and International Environment Associations, Forest Rangers

8. Information on sources and methods for data gathering

List of sources, including the above mentioned Institution and Associations, web sites and NGOs

9. Draft Form for data collection (to be used to design the questionnaire)

Draft Form for data collection on international environmental damage.

- Short description of the environmental damage.
- Date and place of the damage / accident.
- Countries involved.
- Polluters (when identified)
- Subjects involved with the management of consequences.
- Characteristic of the damage.
 - Polluting substances
 - Polluted environmental components
 - Physical extension of contaminations over single environmental components.
 - Description of possible contaminations or risks for human health.
 - Temporal extension of contaminations or risks for human health
 - Short term environmental effects, in every country involved
 - Long term environmental effects, in every country involved
 - Economic and social effects, for every subjects and every country involved

- Access to justice (possible civil or criminal proceeding): description of proceeding, of sentences and of the most important legal elements, from the point of view of every involved country.
- Monetary valuation of environmental damage (fixed value and economic method used, drawing attention to differences between countries)
- Economic quantification of environmental damage, alternative to liquidation (fixed value and economic method used, drawing attention to eventual differences between the countries considered).
- Critical points, if any, regarding technical, legal or economic management of international damage, especially with regard to possible differences between the countries considered.

10. Expected result of the research:

1. Monitoring of relevant occurrences over the last twenty years.
2. Automatic system of implementation of the collection of data in a special file.
3. Final comments (technical, economic, juridical) and guidelines for the creation of an international body for the prevention and remedy of environmental damage.

Thank you for your attention.