Parallel Report

submitted by

Centro di Ricerca Euroamericano Sulle Politiche Costituzionali (CEDEUAM-Red Clacso) of University of Salento

and

A Sud Ecologia e Cooperazione Onlus

and

Pro Rights, Professionisti per la Promozione e Protezione dei Diritti Fondamentali

and

Diritto Diretto Onlus

to the

Committee on Economic, Social and Cultural Rights

on the occasion of consideration of the

List of Issues Prior to Reporting for Italy

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Submitting Organizations

This Parallel Report is submitted to the Committee on Economic, Social and Cultural Rights jointly by the following Italian organizations:

Centro Di Ricerca Euroamericano Sulle Politiche Costituzionali (CEDEUAM - Red Clacso) is a research institute of the University of Salento, in Italy. It is the only Italian University research center of Italian climate law and the only center which applies the "ecosystem approach" to the analysis of law and public policies.

A Sud Ecologia e Cooperazione Onlus is an independent Italian association founded in 2003 dealing with environmental and social conflicts in Italy and abroad, supporting local committees and movements through research, projects, education and awareness campaigns.

Pro Rights, Professionisti per la Promozione e Protezione dei Diritti Fondamentali is a network of lawyers and experts in law which uses litigation as an instrument to obtain protection of the environment and respect for human rights

Diritto Diretto Onlus is an NGO which deals with protection of the environment, promoting human rights, and ensuring a just and sustainable society.

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Introduction

Human-induced climate change is one of the most significant global threats to the enjoyment of human rights, especially the rights protected under the Convention on Economic, Social and Cultural Rights (ICESCR) as stated by the Committee on Economic Social and Cultural Right (CESCR) in its statement on climate change adopted on 8th October 2018.[1]

The upcoming review of Italy by the CESCR is an important opportunity to ask the government of Italy to clarify how its climate change policy complies with its legal obligations under the ICESCR and its obligations under the Paris Agreement.

The CESCR has previously recognised that climate change constitutes a 'massive threat' to the enjoyment of economic, social and cultural rights, in particular the rights to health, food, water and sanitation, as well as the right to life as a result of increased mortality rates due to heat-related events and natural disasters.[2] As the CESCR and other UN Treaty Bodies recently stated, 'adverse impacts on human rights are already occurring at 1°C of warming and every additional increase in temperatures will further undermine the realization of rights'.[3] States have human rights obligations under ICESCR and other regional and international treaties to mitigate climate change in order to prevent the severe human rights harms caused by climate change.[4]

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[1] UN CESCR, 'Climate change and the International Covenant on Economic, Social and Cultural Rights' (online, 8 October 2018) <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23691&LangID=E>

[2] CESCR, 'Climate change and the International Covenant on Economic, Social and Cultural Rights: Statement of the Committee on Economic, Social and Cultural Rights' (8 October 2018) <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23691&LangID=E> (**CESCR Statement on Climate Change**); see also: CESCR, the Committee on the Elimination of Discrimination against Women, the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families, the Committee on the Rights of the Child, and the Committee on the Rights of Persons with Disabilities, 'Joint Statement on "Human Rights and Climate Change"' (16 September 2019) <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24998&LangID=E> (**Joint Statement on Climate Change**).

[3] See Joint Statement on Climate Change.

[4] Ibid. See also the statement of the UN High Commissioner for Human Rights following the recent judgment of the Dutch Supreme Court in *Urgenda Foundation v The Netherlands*, 'Bachelet welcomes top court's landmark decision to protect human rights from climate change' (20 December 2019) <

Climate change has already had significant detrimental impacts on people living in Italy including, and the projected impacts of climate change are even more severe, as outlined in Parts Two and Three. The current impacts, alone, include: an increase in average temperatures over the past 28 years; increase in the frequency and severity of heatwaves with significant impacts on mortality rate and health, particularly for Italy's ageing population; average annual sea-level rise and increase in the frequency of extreme high-water levels, with severe effects on certain regions of Italy, such as the floods in Venice in late 2019, river flooding and landslides in Northern Italy; and increasingly frequent droughts, particularly in Southern Italy, which has resulted in numerous regions declaring states of emergency due to the lack of available drinking water, and regions suffering large-scale crop losses which threaten food security.

Despite this, Italy's current policies on reducing greenhouse gas emissions are not consistent with Italy's obligations under the Paris Agreement to limit the increase of global average temperature to "well below 2°C above pre-industrial levels and to pursue efforts to limit the temperature increase to 1.5°C".[5]

https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25450&LangID=E> (**Statement of the UNHCHR on *Urgenda* decision**).

[5] Paris Agreement, Article 2.1.a.

1. Italy's Human Rights Obligations to Mitigate Climate Change

There is broad scientific consensus that the Earth's climate has warmed significantly since the preindustrial era and that human activities, primarily greenhouse gas emissions, are the main cause. The increase of global average temperatures and the changes occurring in the world's climate have already had widespread effects on human and natural systems. Continued global emissions will increase the likelihood and severity of such effects.

In 1988, the United Nations Environment Programme (UNEP) and the World Meteorological Organization (WMO) established the Intergovernmental Panel on Climate Change (IPCC) to provide policymakers with regular scientific assessments on climate change, its implications and potential future risks, as well as to put forward adaptation and mitigation options. IPCC reports are drafted by thousands of scientists from different countries and always endorsed by governments before being published (including Italy).

On 8th October 2018, the IPCC published the Special Report on warming of 1.5°C, raising the alarm on the devastating effects that an increase of average global temperatures of more than 1.5°C compared to preindustrial levels would have. The impacts described in the report would significantly affect the enjoyment of ICESCR rights, such as the rights to life, health, water, housing and food. According to the IPCC, by 2030 global CO_2 emissions should be reduced by about 45% compared to 2010 levels to have a chance to keep global warming below 1.5°C, and should reach net zero by 2050.
Governments must therefore ensure that they reduce greenhouse gas emissions in a manner that prevents the most dangerous levels of global warming so as to avoid the worst threats to economic, social and cultural rights. On the contrary, current global emissions levels are the highest in history.

In order to address the issue of climate change, in 1992 States adopted the United Nations Framework Convention on Climate Change (UNFCCC). Its objective is precisely the "*stabilization of greenhouse gas concentrations in the atmosphere at a level that would*

prevent dangerous anthropogenic interference with the climate system". In 2015, at the 21st Conference of Parties, States adopted the Paris Agreement whose objective is "*holding the increase in the global average temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels, recognizing that this would significantly reduce the risks and impacts of climate change*".

Italy ratified the Paris Agreement through the Law n° 204/16 (gazetted on the 10th November 2016) and endorsed the findings of all IPCC reports, including the report on 1.5°C of warming cited above. Representatives of Italian governments have expressed their concern in detail on climate change consequences on multiple occasions at national, European and international levels[6].

There can therefore be no doubt that the Italian State is aware of the seriousness of the climate crisis, of what should be done to avoid it, and the consequences of continuous GHG emissions, particularly on ICESCR rights. As a Party to the ICESCR, Italy is obliged to respect, protect and fulfil Covenant rights, and thus has to take urgent steps to address climate change so as to avoid its adverse impacts.

[6] See, among many others, the declarations of The President of the Republic, the Minister for the Environment (here and here), the Parliament

2. Italy's vulnerability to climate change

Italy is particularly exposed to the impacts of climate change, as reported by several national and supranational institutions. According to the **National Research Council** (CNR, the largest public research institution), in Italy average temperatures have already increased by 1.5°C compared to pre-industrial levels, about twice the global average[7]. This was also confirmed by the **Institute for Environmental Protection and Research** (ISPRA, a public research body subject to the supervision of the Minister of the Environment) in the 2018 edition of the Environmental Data Yearbook (ISPRA 2019b).

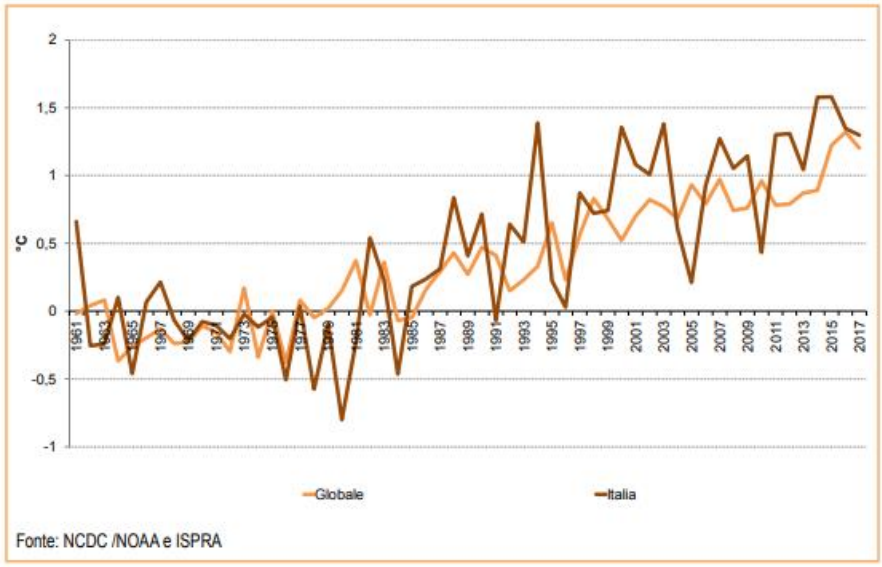

Figura 7.88: Serie delle anomalie di temperatura media globale sulla terraferma e in Italia, rispetto ai valori climatologici normali 1961-1990

Average temperature anomalies at global level and in Italy, compared to normal meteorological values for the period 1961-1990

The Minister for the Environment has published in 2014 the *Report on the state of scientific knowledge on impacts, vulnerability and adaptation to climate change in Italy* (MATTM 2014) listing the impacts and threats of climate change in Italy.

Below, the observed climate changes in Italy, their consequences on natural and human systems, and future projections are listed.

[7] http://www.isac.cnr.it/climstor/climate_news.html

Increase in average temperatures

According to ISPRA, the average temperature increase recorded in Italy over the last thirty years has almost always been higher than the average global temperature on the mainland (ISPRA, 2019b). 2018 was the warmest year since the beginning of the observations, with an average temperature anomaly of 1.71°C compared to the years 1961-1990, and it was the 28th consecutive year with a positive anomaly (ISPRA, 2019a).

Similarly, the surface temperature of the Italian seas in 2018 was higher than the climatological average in 1961-1990. Examining the series of the average annual anomalies compared to the reference period 1961-1990, 2018, with an average anomaly of +1.08°C, lies at 2° place of the whole series. In the last 20 years the mean anomaly has always been positive (ISPRA, 2019a). According to a study of the long-term variability of the surface temperature of the Mediterranean Sea (Axaopoulos and Sofianos, 2010), the following variations can be observed in the period 1904-2006:

- Western Mediterranean: +0,85 °C;
- Ionian (from Italian to African coast): +0,92 °C;
- Adriatic Sea: +1,45 °C (MATTM, 2014).

Sea level rise

In 2014 in the Mediterranean Sea there were only three stations that have collected data for more than 80 years and are considered stable: Marseilles, Genoa and Trieste. According to the data of these three stations, an average sea level increase of 1.2-1.3 mm/year has been estimated for a 120-130 period (MATTM, 2014).

In Venice, the average sea level has been increasing since the beginning of data collection (1872). In particular, the last nine years of the historical series have recorded the highest values ever (Ispra, 2019b). As a consequence, the episodes of extreme high-water levels and floods are increasing. On November 12 2019, water rose up to +187 cm, the second highest value ever registered after the 1966 flood, resulting in two fatalities. What is even more significant is the trend: according to official data, from 1936 to 2000 (64 years)

there were 9 episodes of "high water", when waters have exceeded by more than 140 cm the average sea level, while since 2000 already 11 episodes have been registered.

Desertification, land degradation and drought

Since 1961, the change in temperature and rainfall patterns has led to a progressive increase in dry areas throughout the national territory. Territories in conditions of water deficit in 2008 covered 20% of the national territory in the southern and island regions, according to the UNEP Aridity Index (page 123 of the Report). The growing number of episodes of drought that affected the Italian territory have had significant environmental and economic impacts. Some examples are Sicily in 2001 and 2002, the Po basin in 2003 and 2006-2007, and the eastern Alps 2011-2012.

As for future conditions, climate change scenarios for the decade 2041-2050 in the Mediterranean region further increase the extent of dry areas in Italy, contributing to the direct increase in potential evapotranspiration and water and vegetation requirements (of?) natural and agricultural crops.

Specifically, climate change may provoke - at least as regards the Mediterranean area - the following main processes of desertification and soil degradation:

- increase in water erosion, which causes the removal of the surface part of the soil;
- decrease in Soil Organic Carbon (SOC) in the soil which strongly influences its production capacity;
- increase in salinization in irrigated areas, as well as in coastal areas due to intrusion of the saline wedge, areas in most cases of high economic value.

In the Report (pages 126-127) it is noted that the Atlas of desertification in Italy (Costantini et al., 2007), created between 2004 and 2006, estimated that 51.8% of the Italian territory is potentially at risk of degradation, in particular the whole of Sicily, Sardinia, Puglia, Calabria, Basilicata and Campania and part of the regions of Lazio, Abruzzo, Molise, Tuscany, Marche and Umbria. Within this area, based on 12 impact

indices, it has been estimated that 21.3% of the Italian territory is already affected by soil degradation and therefore at risk of desertification.

Speaking of prolonged periods of drought, in March 2019 the Lake Maggiore basin was missing 300 million cubic meters of water. The level of the lake has reached the minimum level of 16 cm above the conventional hydrometric zero, a level that is usually reached in the summer months. Usually in this period of the year the level of Lake Maggiore exceeds half a meter[8]. Due to the lack of rain, the Po River was dry in the same period, and the overall water basin of the Po Valley reached a minimum level which threatened agricultural production.

Drought means less water for agriculture, for domestic use and for industrial processes. It also means that the river basin is not able to counteract the rise of marine waters (which rise more and more), with consequent modification of entire ecosystems. It is no coincidence that some authoritative scientists believe that by continuing at this rate by 2100 the Po Valley will have the same climate that Pakistan has today.[9]

Extreme weather events and hydrogeological instability

The changing weather patterns and the increase of extreme weather events pose a direct threat to human livelihoods and infrastructure. According to the Global Climate Risk Index (Germanwatch 2019), between 1998 and 2017 in Italy there were on average more than 1000 victims per year due to extreme weather events, placing the country at the 6th place worldwide.

The impacts of extreme events on human ecosystems is worsened by the high hydrogeological instability of the Italian territory. The areas with high hydrogeological criticality affect approximately 9.6% of the country's territorial surface, equal to more than 29,500 km2, and 82% of Italian municipalities (6631 municipalities). From the

[8] https://www.inmeteo.net/2019/03/18/siccita-estrema-al-nord-si-svuota-il-lago-maggiore.-po-in-secca
[9] https://www.giornaledibrescia.it/brescia-e-hinterland/la-pianura-padana-diventer%C3%A0-calda-e-arida-come-il-pakistan-1.3237704

surface exposed to high hydrogeological criticality, the population potentially exposed to risk is estimated to be 5.8 million people, 10% of the national population, and the buildings concerned are approximately 1.3 million (MATTM 2014). These data highlight a critical situation which is likely to exacerbate due to future climate trends.

3. Climate change and the rights protected by the ICESCR

Italy's exposure to climate change threatens the enjoyment of various rights recognized in the International Covenant on Economic, Social and Cultural Rights.

Right to health

Climate change has different repercussions on health both through a series of direct and indirect mechanisms. As previously described, the changing weather patterns and the increase of extreme weather events, coupled with the high hydrogeological risk of the Italian territory, pose a direct threat to human health and life.

The increase in frequency and severity of heat waves is one of the main threats to health in developed countries, especially due to the ageing population. Together with Germany, Italy has the highest median age in Europe and it is at the 7th place worldwide for life expectancy. The 2003 heat wave in Europe is estimated to have caused more than 70,000 deaths in excess in 12 European countries, with the greatest effects in France, Germany, Spain and Italy mainly on lonely people, older than 75 years of age, with chronic diseases and functional disability, living in low socio-economic urban areas (Åström et al., 2011; baccini et al., 2008; Bell et al., 2008; Johnson et al., 2005). According to an epidemiological study on 21 Italian cities, daily mortality rate increase is associated with heat waves, which caused 23,800 deaths between 2005 and 2016.

In addition, climate change increases the risk of transmissible climate-sensitive diseases such as those transmitted by vector insects (emerging and re-emerging), food-borne toxins and water-borne diseases. As estimated by the European Centre for Infectious Disease Control (ECDC), about 50% of all water-borne infectious diseases transmitted by vector insects notified by the Member States to the European authorities are sensitive to climatic weather variables (milder winters, higher average temperatures and humidity, heavy rainfall, storms, floods) affecting their geographical spread and persistence (ECDC 2012). For instance, in recent years also in Italy, there has been an expansion in the distribution of many species of potential arthropods vectors of viral diseases with episodic

outbreaks of chikungunya viruses and human and veterinary cases of West Nile disease (West Nyle fever) both transmitted by infected mosquitoes now ubiquitous on the territory (MATTM 2014).

Climate change also affects air quality, increasing the toxic and irritative action of air pollutants and modifying production and characteristics of aeroallergens (pollen) (MATTM 2014). In particular, climate change worsens health conditions of the population already suffering from allergic conditions, respiratory and cardiovascular diseases through the prolongment and anticipation of the pollen season, incrementing pollen production, increase in humidity and extreme weather events, higher concentrations of CO2, ozone and other pollutants, alterations of atmospheric and transnational circulation of pollens, emerging pollinosis.

Between 3 and 5 December 2019, the Italian Superior Institute of Health (ISS) held the first International Health and Climate Change Symposium with participants from over 30 countries. In a document published on that occasion, the ISS has summarized the available evidence on the impacts of climate change on health, among which:

- the greater ease in spreading diseases (for example mosquito borne diseases) and infections;
- the increase of psychological pathologies (depression, states of anxiety, insomnia, fears, generalized mental illnesses);
- the increase in illnesses affecting children and the elderly;
- the increase in diseases transmitted from animals to humans;
- reducing the availability and quality of water, with consequences for hygiene (ISS 2019).

Right to housing

The effects of climate change pose a serious threat to the right to housing. In Italy, over 6 million people live in areas with high and medium risk of floods, while the population at risk of landslides amounts to over 1.2 million people (ISPRA 2019a). The increase in the frequency and severity of extreme events will exacerbate the already high

hydrogeological instability of the Italian territory and further put at risk livelihoods. Already in 2018, Italy was affected by 148 extreme events, which led to 32 fatalities and over 4,500 people who lost their homes (Legambiente 2019).

In addition, some urban settlements are threatened by specific effects of warming global temperatures. An example is the town of Courmayer, situated in Valle d'Aosta, in northern-west Italy, just under the Mont Blanc. Due to the melting of the Planpincieux glacier, up to 250,000 cubic metres of ice is in danger of sliding off. In September 2019, some roads were closed and houses evacuated as a precautionary measure against the collapse of the glacier[10].

Right to water

Global warming and climate change have a huge impact on water resources, increasing ocean and land water evaporation, intensifying and accelerating the water cycle, worsening extreme weather events such as floods, cloudbursts and droughts, and speeding up desertification processes. As a result, water quantity and quality in Italy will decrease, and the right to safe water and sanitation will be put at risk.

In report published in October 2017, the European Environment Agency defines Italy as a "natural disasters hotspot" (EEA 2017), that will suffer more and already in the short term, from the impacts of climate change on water resources. The areas in Italy that today are already exposed to extreme events will be more and more impacted, the frequency and intensity of droughts in South Italy will significantly increase, while in the North river floods will triple. Access to water will not always be guaranteed, and the overall quality and quantity of available water will decrease. In addition, warming temperatures and the consequent melting of ice and snow in the Alps will make even more critical the water supply in alpine regions.

[10] https://www.theguardian.com/environment/2019/sep/25/mont-blanc-glacier-in-danger-of-collapse-experts-warn

The Research Department on Climate and Atmosphere ISAC-CNR has declared that 2017 was the driest year in Italy in the last two centuries[11]. Between 2017 and 2018, six regions declared a state of emergency linked to the insufficient drinking water supply (Emilia Romagna, Lazio, Marche, Piemonte, Sicilia, Umbria)[12], that cost the Italian State about €54,000.000. In 2017, the average annual flow rate of the four major Italian water basins (Po, Adige, Tevere and Arno) decreased by about 40% compared to the 1981-2000 average (ISS 2019).

The WHO/SIH report described the climate-induced impacts on water resources in Italy as follows:

> 'The future scenario related to climate change, with less precipitation and higher temperatures (see figures 2.6 and 2.7) is exacerbating water scarcity phenomena in the already affected regions; more frequent occurrence of aquifer over-exploitation, reduction of water availability and drought phenomena are expected to have severe consequences on water access (quantity and continuity of supply), and quality (e.g., turbidity for drinking water reservoirs), also affecting food production, forestry, energy and tourism. Droughts and extreme temperatures are exacerbating the water crisis with 6/20 Italian regions calling for a "state of emergency" in the summer of 2017.'

Right to food

The changing climate is already affecting the agricultural sector. The variation of frequency and intensity of extreme events and average values will have a strong impact on the quality and quantity of the productions. Disasters make it particularly difficult for farmers to adapt, with an increase in the frequency of extremely serious damage. As an example, in summer 2012 in Tuscany consecutive days without rain arrived at the record number of 74 (from June 12 to August 25). In the same period, for 31 days temperatures above 35°C were registered. The inlet of Bilancino, located in Mugello and used to

[11] www.cnr.it/it/nota-stampa/n-7807/isac-cnr-2017-anno-piu-secco-degliultimi-due-secoli
[12] http://www.protezionecivile.gov.it/amministrazione-trasparente/interventi-straordinari-emergenza/emergenze-rischio-meteo-idro

guarantee the flow to the river Arno, on September 3 contained only 38 million cubic meters, while its maximum capacity is 69. The lake height above sea level reached only 245 meters, compared to an average of over 252 (Region Tuscany data). In the same period, according to Coldiretti (National Confederation of Farmers) national balance, more than 10 % of agricultural GDP was lost. The drought of the summer period drastically reduced the harvest of corn, tomato, beet and sunflower, while on very sensitive crops such as tobacco, fruit and grapes the hail caused irreversible damage.

According to Coldiretti, the most affected regions were Veneto and Emilia-Romagna, with losses estimated at one billion each. Heavy damage was also recorded in Tuscany (260 million), Lombardy (200 million), Puglia (180 million), Umbria (70 million) and Marche (60 million). Half of the tomato crop has been lost in Apulia, with 30% of national maize and 40% of soya, while sugar beet and sunflower decreased by -20% and milk production by 10%, due to the increased stress of cows (MATTM 2014)

According to a study by Coldiretti published in August 2017, climate change from 2007 to 2017 caused €14 billion in damages to crops mainly due to storms, soil salinization and drought[13]. Coldiretti also reports that a fifth of the national territory is at risk of desertification "*due to climate change and prolonged periods of drought, but also to the progressive consumption of land and the lack of valorisation of agricultural activities in the most difficult areas*"[14].

Finally, climate change affects all key factors for food safety: presence/absence of abiotic contaminants (pesticides, heavy metals) and biotics (viruses, bacteria, moulds and biological toxins), accessibility to food but also nutritional qualities of food. Indeed, the so-called "malnutrition syndrome" is recognized as a direct health consequence of the impacts of climate change on food security and safety (MATTM 2014).

[13] https://www.coldiretti.it/ambiente-e-sviluppo-sostenibile/clima-14-mld-danni-allagricoltura-nellultimo-decennio

[14] https://giovanimpresa.coldiretti.it/pubblicazioni/attualita/pub/giornata-desertificazione-e-siccit%c3%a0-a-rischio-15-dellitalia/

4. How is Italy addressing climate change?

As mentioned in Part One, the Italian State has been aware of the climate crisis and the need to reduce emissions for over 30 years now. Further, Italy has ratified the Paris Agreement which commits States to limit the increase of global average temperature to 'well below 2°C above pre-industrial levels and to pursue efforts to limit the temperature increase to 1.5°C'.[15] Despite this, the measures and policies adopted by the Italian government to mitigate climate change are entirely insufficient to avoid dangerous climate change.

Past greenhouse gas emissions trend

Italy's greenhouse gas emissions, accounted by ISPRA (a public research body subject to the supervision of the Minister of the Environment, as indicated above)[16], continued to rise all through the 1990s until 2005, and then decreased mainly because of the effects of the economic crisis and the externalization of various productive sectors. Since 2014, emission levels have been more or less stable.

Overall, by 2017 Italy had reduced its emissions only by about 17.4% compared to 1990 levels.[17] , while already in 2007 the IPCC in its Fourth Assessment Report had indicated that developed countries would need to reduce their emissions by 25-40% before 2020 compared to 1990, in order to limit global warming to below 2°C compared to pre-industrial levels (a temperature goal that Italy has committed to by ratifying the Paris Agreement).

[15] Paris Agreement, Article 2.1.a.

[16] http://www.sinanet.isprambiente.it/it/sia-ispra/serie-storiche-emissioni/serie-storiche-delle-emissioni-di-gas-serra/view

[17] http://www.isprambiente.gov.it/it/temi/cambiamenti-climatici/landamento-delle-emissioni

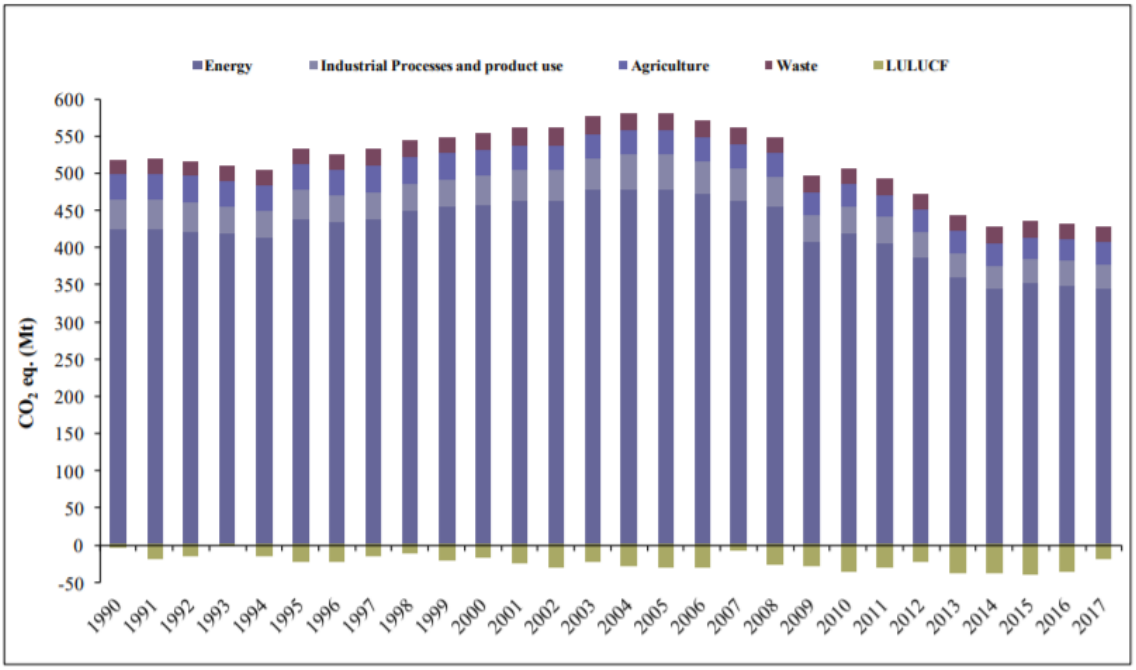

Figure 2.2 Greenhouse gas emissions and removals from 1990 to 2017 by sector (Mt CO_2 eq.)

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Future targets

On January 8th, 2019, following EU Regulation 2018/1999 of 11th December 2018, Italy has submitted to the European Commission its Proposal for an Integrated National Energy and Climate Plan (PNIEC), which defines the national decarbonization trajectory up to 2030. However, while the emissions reduction targets foreseen in the PNIEC for 2020 and 2030 are in line with current European requirements, they are not in line with Italy's commitments under the UNFCCC and the Paris Agreement, and IPCC recommendations, to avoid the worst effects of climate change.

Indeed, the Plan foresees that Italian emissions will be reduced by only 22% in 2020 and 37% in 2030 compared to 1990. This means that Italy's 2020 target is again below the IPCC's findings in its Fourth Assessment Report (2007) regarding the necessary emissions reductions for a likely chance of keeping temperature rise to below 2°C. Further, the Supreme Court of the Netherlands recently confirmed in the case of *Urgenda v the Netherlands*[19] that, in order to protect the rights to life and family and private life

[18] Figure 2.2, PNIEC

[19] An English translation of the judgment in Urgenda v the Netherlands should be available shortly. In the meantime, see the English language press release published by the Supreme Court of the Netherlands on

(as enshrined in Articles 2 and 8 of the European Convention on Human Rights), the Dutch government has to decrease greenhouse gas emissions by at least 25% by 2020 compared to 1990 levels. This was derived from the IPCC's Fourt Assessment report (cited above) and should apply equally to all Annex I (or 'developed') countries, including Italy.

Tabella 58 - Emissioni nazionali di gas serra e obiettivi europei (Mt CO_2eq) – scenario PNEC (fonte ISPRA)

	1990	2005	2010	2015	2020	2025	2030
Emissioni nazionali	520	581	504	433	406	358	328
Settori ETS		248	200	156	144	115	109
Settori ESD/ESR		330	301	274	260	241	216
Voli nazionali non soggetti a ETS		3	3	2	2	2	2
Obiettivi ESD/ESR *				304	291	243	221
Differenza rispetto agli obiettivi				-30	-31	-3	-5

*Obiettivo al 2020 come stabilito dalla Decisione ESD (*Effort Sharing* Decision) (UE) 2017/1471, obiettivo al 2030 come stabilito dal Regolamento ESR (*Effort Sharing* Regulation) (UE) pari a una riduzione del 33% delle emissioni rispetto al livello del 2005. L'obiettivo al 2025 è solo indicativo perché dipenderà dai livelli emissivi effettivamente registrati negli anni 2016-2018. Le emissioni di NF3 sono incluse negli obiettivi ESD/ESR post-2020.

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Considering only CO2 emissions ("*anidride carbonica*"), according to the PNIEC they will be reduced in 2030 by 39% compared to 2010.

Tabella 60 - Emissioni di gas serra storiche fino al 2015 e secondo lo scenario PNEC disaggregate per gas ($MtCO_2$eq) [fonte ISPRA]

Emissioni di GHG, Mt di CO_2eq	2005	2010	2015	2020	2025	2030
Anidride carbonica	**495**	**425**	**356**	**331**	**288**	**261**
Metano	48	47	43	41	39	37
Protossido di azoto	28	19	18	19	18	18
HFCs	7.1	11.4	14.5	14.1	11.6	9.2
PFCs	1.9	1.5	1.7	1.6	1.6	1.6
SF6	0.6	0.4	0.4	0.3	0.3	0.3
NF3	0.0	0.0	0.0	0.0	0.0	0.0
TOTALE	**581**	**504**	**433**	**406**	**358**	**328**

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20 December 2019: https://www.rechtspraak.nl/Organisatie-en-contact/Organisatie/Hoge-Raad-der-Nederlanden/Nieuws/Paginas/Dutch-State-to-reduce-greenhouse-gas-emissions-by-25-by-the-end-of-2020.aspx

[20] Table 58, PNIEC

[21] Table 60, PNIEC

However, the IPCC Special Report on Global Warming 1.5°C, adopted in October 2018, recommended a global CO2 emissions reduction by about 45% in 2030 compared to 2010, to have a 66% possibility to keep global warming under 1.5°C. The Italian Plan thus is not even in line with the overall global target identified by IPCC.

In addition, following to the adoption of the IPCC Special Report on 1.5°C, discussions [have been held?] on which should be the right target for developed countries to adopt, applying the principles of common but differentiated responsibilities, respective capabilities and equity. Already in October 2018, the European Parliament has supported the adoption of an economy-wide greenhouse gas emissions reduction target for European Union of 55% by 2030 compared to 1990[22]. Further, in November 2019, the European Parliament declared "a climate and environment emergency", recognising that "immediate and ambitious action is crucial to limiting global warming to 1,5° C and avoiding massive biodiversity loss",[23] and repeating its call for a more ambitious 2030 emissions reduction target for the EU.[24]

Implementation of current targets

According to ENEA (National Agency of new Technologies, Energy and Sustainable Economic Development), the emissions reduction targets envisaged in the PNIEC will be difficult to realize. In order to reach the PNIEC targets, Italian greenhouse gas emissions should indeed be decreasing yearly by 1.7% on average, while still in 2019 they were only decreased by about 1%[25].

In 2019 second quarterly review of the Italian Energy System, ENEA has analysed the policy measures listed in the PNIEC through which the targets should be reached, and which are mainly based on energy efficiency. However, ENEA has pointed out that the

[22] http://www.europarl.europa.eu/doceo/document/TA-8-2018-0430_EN.html?redirect
[23] http://www.europarl.europa.eu/doceo/document/TA-9-2019-0078_EN.html, and
[24] https://www.europarl.europa.eu/news/en/press-room/20191121IPR67110/the-european-parliament-declares-climate-emergency
[25] https://www.enea.it/it/Stampa/comunicati/clima-enea-nel-2019-italia-verso-calo-1-emissioni-gas-serra

Italian energy system does not have huge efficiency deficits whose improvement could lead to the foreseen emission reductions (ENEA 2019).

On the other hand, the PNIEC continues to promote the use of fossil fuels. In the 2030 energy mix, renewable energies will increase by only about 12% compared to 2016. Oil will still represent about 30% of the total energy mix and gas about 40%, while renewables only the 29%. Moreover, the Plan clearly states that in 2040 the main source of primary energy will still be fossil fuels.

Tabella 9 - Obiettivo FER complessivo al 2030 (ktep)

	2016	2017	2025	2030
Numeratore	**21.081**	**22.000**	**27.428**	**33.098**
Produzione lorda di energia elettrica da FER	9.504	9.729	11.981	16.060
Consumi finali FER per riscaldamento e raffrescamento	10.538	11.211	13.467	14.701
Consumi finali di FER nei trasporti	1.039	1.060	1.980	2.337
Denominatore - Consumi finali lordi complessivi	**121.153**	**120.435**	**116.014**	**111.439**
Quota FER complessiva (%)	**17,4%**	**18,3%**	**23,6%**	**29,7%**

[26]

Overall, the Plan appears oriented to promote the use of fossil fuels still for a long time. In this regard, a recent survey by the Ministry of the Environment reported that in 2017, of € 30.6 billion of public subsidies to the energy sector, as much as € 16.9 billion went to fossil fuels, while subsidies to clean energy sources amounted to only € 13.7 billion.

In June 2019, the European Commission, in its observation of the PNIEC, requested Italy to clarify the apparent inconsistency between the emission reduction targets and the continued use of fossil fuels[27].

The climate policy of Italy also has significant **extra-territorial implications**. As the CESCR has recognised, States Parties owe duties to respect, protect and fulfil 'all human rights for all' and 'owe such duties not only to their own populations, but also to populations outside their territories, consistent with articles 55 and 56 of the United Nations Charter'.[28] Italy's current and projected heavy reliance on fossil fuels contributes

[26] Table 9 PNIEC
[27] https://ec.europa.eu/energy/sites/ener/files/documents/it_rec_it.pdf
[28] CESCR Statement on Climate Change.

directly to global warming which creates human rights harms experienced by the people of Italy and those outside its territory.

5. Absence of the “Ecosystem Approach" in Sustainable Development Policies

The Italian political decision-making methods totally ignore the "ecosystem approach", necessary to combine environmental, energy, climate and social policies with impact assessments on natural, social and cultural biodiversity of the Italian territory, which is also required to achieve the UN Sustainable Development Goals by 2030.

In fact, the ecosystem approach promotes the effective participation of people in decisions on the use of natural resources and their link with human rights[29], thus making it possible to realize the objective of art. 1.2 of the UN Covenant. However, this does not happen in Italy, despite the formal acknowledgment of the ecosystem approach[30]. For this reason too, the Italian situation, in comparison with other states, is not positive in terms of the effectiveness of environmental democracy in promoting human rights[31].

For example: the Italian Government does not use cost-benefit analysis models in legislative and administrative drafting. A concrete example is offered by the absence of cost-benefit analysis in the decisions on the TAP pipeline[32]: it does not promote forms of thematic consultations with local populations for the planning of development policies, in violation of the Aarhus Convention again with regard to the decisions on the TAP pipeline[33]; it does not carry out assessments on the cumulative effects (environmental and social) of the programs financed with public resources, as reported by citizens and ascertained by an Italian criminal Prosecutor[34]; it has never created tools for knowledge

[29] See P. Carrabba, *L’approccio ecosistemico e il ruolo delle comunità locali nella tutela della biodiversità*, in AA. VV., *Idee per la ricerca sociale in campo ambientale ed energetico*, Roma, Enea, 2014.
[30] See articles 3 and 301 D.lgs. n. 152/2006 (http://www.anvu.it/wp-content/uploads/2018/03/Decreto-legislativo-152-aggiornato-marzo-2018.pdf)
[31] See 152/2006.
52 See https://environmentaldemocracyindex.org/ Doc. *CG33(2017)17final*, *http://www.senato.it/leg/17/BGT/ Schede/Dossier/Elenchi/13_1.htm*, E. Cavalieri, E. Chiti (cur.), *L’analisi di impatto e gli altri strumenti per la qualità della regolazione. Annuario 2016*, Roma, Osservatorio AIR, 2017, 126 ss.
[32] See https://comune-info.net/tap-lanalisi-costi-benefici-non-esiste/ and downloadable documents
[33] See https://www.openstarts.units.it/handle/10077/22735
[34] https://www.salentometropoli.it/2019/09/08/tap-autorizzazioni-illegittime-opere-abusive-inquinamento-falda/

and circulation of good practices of local development, expressive of the natural and cultural biodiversity of the Italian Regions; it has never promoted constant forms of dialogue between the scientific Italian community and political decision makers, in violation of the European Regulation n.1999/2018 on the creation of a European energy community of rights and services.

The policy guidelines of the Italian Government on environmental, energy, climate and social issues are characterized by centralization and standardization models, indifferent to the contributions [?] of the scientific debate on sustainable development models, with effects that mortify the enhancement of the cultural and natural diversity of the communities and their preservation in the active participation of local communities.

Italian citizens have difficulty reporting these violations of international law, because Italy does not have an independent human rights protection body but only a government-dependent bureaucratic structure: the CIDU [35]. The CIDU operates according to discretional opportunity assessments and not on the basis of rule of law parameters.

Consequently, for Italian citizens the references to articles 1.2, 2.3, 14, 21 and 25 of the UN Covenant on Economic, Social and Cultural Rights take on a mainly symbolic value, because there are no methods of deliberation and independent institutions that promote their content and their evolution in the specific Italian context, especially with regards to the protection of human rights in the era of climate and environmental emergency. Not coincidentally, this situation was also ascertained by the European Court of Human Rights in the "*Cordella case*"[36] referring to the dramatic situation of the City of Taranto with the so-called company "ILVA", the largest climate-changing source in Italy[37].

[35] https://cidu.esteri.it/comitatodirittiumani/it/ambasciata/

[36] https://www.giustizia.it/giustizia/it/mg_1_20_1.page?facetNode_1=0_8_1_2&contentId=SDU173674&previsiousPage=mg_1_20

[37] See https://www.laringhiera.net/taranto-capitale-italiana-delle-emissioni-di-gas-serra/

Recommended Questions

We urge the Committee on Economic, Social and Cultural Rights to request the Italian Government to provide additional information relating to the adequacy and effectiveness of its climate policy in the context of its legal obligations under the ICESCR.

Suggested questions:

1. Explain how Italy's climate change mitigation policies are compatible with the country's obligations under the Paris Agreement and the International Covenant on Economic, Social and Cultural Rights, taking into account the high vulnerability of Italy to climate change impacts;
2. Provide information regarding which specific steps Italy is taking to address the current and future adverse impacts of climate change on economic, social and cultural rights of Italians, including with respect to flooding;
3. Provide information regarding how Italy intends to make effective the participatory policy-making process and the use of the "ecosystem approach".

References

EEA 2017, *Climate change adaptation and disaster risk reduction in Europe - Enhancing coherence of the knowledge base, policies and practices*, EEA Report No 15/2017, Luxembourg

ENEA 2019, Gracceva F. (a cura di), *Analisi trimestrale del Sistema Energetico Italiano – I trimestre 2019*, n. 2/2019

Germanwatch 2019, Eckstein D., Hutfils M.L. and Winges M., *Global Climate Risk Index 2019 - Who Suffers Most From Extreme Weather Events? Weather-related Loss Events in 2017 and 1998 to 2017*, December 2019

ISPRA 2019a, *Gli indicatori del clima in Italia nel 2018*, Anno XIV, Stato dell'Ambiente 88/2019, giugno 2019

ISPRA 2019b, *Annuario dei Dati Ambientali 2018 – Versione Integrale*, Stato dell'Ambiente 84/2019, marzo 2019

Legambiente 2019, Zanchini E., Nanni G., Minutolo A. (a cura di), *Il clima è già cambiato. Ora è il tempo di nuove politiche urbane. Rapporto 2019 dell'Osservatorio di Legambiente CittàClima*, Stamperia Romana srl Industria Grafica Azzero CO2

ISS 2019, *Se il clima cambia, la salute peggiora - Il simposio health and climate change fa il punto sui rischi che comporta il cambiamento climatico sulla salute umana*, Schede cambiamenti climatici, Quotidiano Sanità

MATTM 2014, Castellari S., Venturini S., Ballarin Denti A., Bigano A., Bindi M., Bosello F., Carrera L., Chiriacò M.V., Danovaro R., Desiato F., Filpa A., Gatto M., Gaudioso D., Giovanardi O., Giupponi C., Gualdi S., Guzzetti F., Lapi M., Luise A., Marino G., Mysiak J., Montanari A., Ricchiuti A., Rudari R., Sabbioni C., Sciortino M., Sinisi L., Valentini R., Viaroli P., Vurro M., Zavatarelli M. (a cura di.) *Rapporto sullo stato delle conoscenze scientifiche su impatti, vulnerabilità ed adattamento ai cambiamenti climatici in Italia*, Roma

MATTM 2015, *Strategia nazionale di Adattamento ai Cambiamenti Climatici*