

VII AIDP SYMPOSIUM FOR YOUNG PENALISTS

“THE CRIMINAL LAW PROTECTION OF OUR COMMON HOME”

ON THE CRIMINAL JUSTICE PROTECTION OF THE ENVIRONMENT, THE CLIMATE AND THE BIODIVERSITY

11-12 November 2019

Luiss Guido Carli University, Rome, viale Pola 12, Room 101

Monday 11th November 2019

14.15 – Welcome addresses

Manuel Espinoza de los Monteros de la Parra, President of the Young Penalists of the AIDP

Antonio Gullo, Secretary general of the AIDP Italian group

Opening lecture

Paola Severino, Vice-President of Luiss Guido Carli University, President of the AIDP Italian group

15.15 – Political and criminological background

Chair: *Roberto Manuel Carlés*

The public agenda in conflict with environmental protection: a report of the Brazilian’s case
Leonardo Simões Agapito, Matheus de Alencar e Miranda, Túlio Felipe Xavier Januário

Environmental crime: criminological reflections
Alexander Stevanovic

CO2 carbon-trading crime: connection between environmental crime and corruption
Giacomo Salvanelli, Andrea Chines, Alessandra Cecca

16.45 – Coffee break – Room 10AB

17.00 – International framework

Chair: *Eduardo Saad-Diniz*

Land-grabbing phenomenon in front of AJA International Criminal Court. Evolutionary interpretations of the Statute of Rome and the progressive inclusion of environmental offences among crimes against humanity. The dawn for a global environmental criminal law?
Pietro Maria Sabella

The case for the inclusion of “ecocide” as an international crime in the ICC Rome Statute: a critical analysis
Liemertje Julia Sieders

The right to environment and criminal law between ECHR and EU

Edoardo Mazzanti

Interamerican Human Rights Court advisory opinion OC-23/17: analysis of safeguarded rights in environmental criminal law

Gonzalo Guerrero

Tuesday 12th November 2019

9.00 – Opportunities and limits of criminal law

Chair: *Francesco Mazzacuva*

Risk society, environment civilization and the beauty China

Yang Chao

The precautionary principle as a subsidiary tool for the ‘common good’. Selective and reparative perspectives in criminal law

Mario Iannuzziello

The environment criminal protection through the best available techniques (BAT): problems and prospects for reform

Valentina Aragona

Unity and plurality of environmental crimes: challenges and prospects within the normative contest of environmental crimes in Brazilian Law 9.605/98

Daiane Ayumi Kassada

How to reconcile criminal law guarantees and protection of environment: new paradigms in Italy

Giulio Vanacore

10.45 – Coffee break - Room 10AB

11.00 – The role of restorative justice

Chair: *Ersi Bozheku*

Weaponising restorative justice? Diversion and environmental crime

Adriano Martufi

Can environmental criminal law be more effective without punishing? A “stick – carrot approach” based model for preventing environmental harm with the collaboration of the author

Dario Franzin

Looking for an effective environmental protection: contributions from green criminology

Luis Fernando Armendariz Ochoa

Criminal law and transitional justice: complementarity or adversity in environmental and environment related post-conflict crimes?

Renata Barbosa

13.00 – Lunch - Room 10AB

15.00 – Environmental compliance

Chair: *Dominik Brodowski*

Criminal liability of legal entities in Brazil: notes on the possibility of adopting an organizational defect model

Rafael Barros Bernardes da Silveira

The illegitimate use of overcompliance strategies: how mining companies undermine a sustainable environment

Eduardo Saad-Diniz, Felipe Fagundes de Azevedo

“Green compliance”: marketing or an effective tool against environmental crimes?

Melena Krause

Exploitation of natural resources, food safety and corporate criminal liability

Emanuele Birritteri

Artificial intelligence and environmental criminal compliance

Rossella Sabia

Corporate crime and environmental victimisation: analysis of the Samarco case

Daniela Arantes Prata

17.00 – Closing remarks

John Vervaele, Utrecht University and President AIDP

In his Encyclical Letter On Care for our Common Home (*Laudato Si'*), Pope Francis stated that air pollution, deficient waste management, climate change, desertification of soils, deterioration of water quality, loss of biodiversity are some of the main manifestations of the environmental crisis produced by a scheme of technocratic power, characterized by a deviant anthropocentrism.

In recent times, after a long period of exaggerated confidence in progress, humanity has begun to develop a greater awareness of the need to protect the environment. This awareness has been decisive for the recognition of the human right to a healthy environment, the legislative development of legal tools for environmental protection and the conclusion of international agreements on this matter.

Criminal law has been part of this regulatory development, although many questions still remain unanswered. As a matter of fact, if criminal law alone cannot be able to solve such complex problems, none the less it should not fail to address the violation of the essential legal interests at stake.

On the one hand, environmental damage is often the result of behaviors whose responsibility can be attributed to powerful corporations and their management; consequently, in such cases criminal law should strive to overcome the ‘selectivity’ that may characterize the punitive power. On the other hand, in recent years the increasing corporate social responsibility awareness has led companies to start implementing sustainable development policies and to promote human rights protection; therefore, the role that ‘punitive law’ can play in this context still needs to be questioned.

To what extent can criminal law contribute to an integral ecology, inseparable from the notion of ‘common good’? How does the protection of climate, environment and biodiversity relate to the

respect of human dignity, to distributive justice and to justice between generations? Is it fair to consider other species as mere 'things' or should they deserve a distinct status under criminal law?

The conclusions of the Symposium will be presented during the XX International Congress of Penal Law, session on "Corporate Criminal Law and Environmental Protection" to be held on 15th November 2019 at 4:00 pm at Luiss Guido Carli University, Rome.

Scientific Committee:

Roberto Manuel Carlés
Manuel Espinoza de los Monteros Ersi Bozheku
Dominik Brodowski
Eduardo Saad-Diniz
Francesco Mazzacuva

For any information, please contact yp2019@youngpenalists.org

Affiliated hotels:

Hotel Fenix – Rome, Viale Gorizia 5/7
Hotel Mercure – Rome, Via Gradisca 29