

'DIRITTO DEGLI ANIMALI' E 'DELLA NATURA'

*Animals – Nature – Legal Personality – Public International Law*

*Private International Law – Evolutionary Trends*

ABSTRACT

*The contribution explores the issue of effective protection of animals and of nature absent a principle of non-human legal personality. Domestic approaches are compared and juxtaposed to international law to argue that the 'human' reserved domain to legal personality and rights is not imposed from legal principles or rules, but seems more radicated in a traditional deference to the past. Private international law issues in the recognition of a foreign unknown legal status are also preliminary explored under the focal lens of the public policy exception.*

IL REGOLAMENTO «DEFORESTATION FREE»

*Climate change – subsidiary protection – fundamental rights*

*Public power – case law – forestry law – deforestation – biodiversity*

ABSTRACT

*A renewed general interest in the environment, and in particular in the forestry sector, is characterizing national and European legislative activity. The imminent approval of the European "Deforestation free" regulation provides the author with the opportunity to reflect on the relationship between deforestation, biodiversity and law. The contribution analyzes the regulatory instruments currently in force to combat deforestation, as well as the innovations being approved, highlighting the possible critical points that could arise during implementation. The overall picture is complicated by the fact that the European legislator is also taking action on other matters closely related to deforestation. This is the case of greenwashing and ESG criteria on which the author focuses by analyzing the novelties and possible interferences.*

FRANCESCO GALLARATI

*Urban ecosystems – green urban areas – ecosystem services*

*Green infrastructures – urban biodiversity*

ABSTRACT

*The article analyzes recent developments in the legal regulation of urban green areas. After outlining some conceptual evolutions emerging from the relevant scientific scholarship, the article verifies whether these evolutions have been transposed into the supranational and Italian legal framework. The outcome shows that although there is a growing consensus in the international community on the need to consider urban green areas as infrastructures providing essential ecosystem services, the legal framework is struggling to keep up.*

LUCA GALLI

*Community gardens – Urban green spaces – Commons  
Active citizenship – Ecosystem service*

ABSTRACT

*This article deals with the phenomenon of the Italian Community gardens (“orti urbani”), focusing on its nature as a spontaneous action of the local urban population and reflecting on the need for stricter legislation provided by national or regional laws. After acknowledging the wide attention given to the “orti urbani” by the municipalities and considering the existence of administrative tools already capable of adequately involving the so-called “active citizens” in their management, this article excludes the imperative need for further legislation, to preserve the flexibility of a phenomenon which can survive and expand as long as it is capable to correctly adapt to local realities.*

LA TUTELA DELLA BIODIVERSITÀ E IL DIRITTO FORESTALE

*Forestry law – Environmental Law – Biodiversity  
Multilevel regulation EU Law – European Court of Justice Case  
Law sustainable Development – Old-growth Forest*

ABSTRACT

*The essay deals with the current system of forest law in the multilevel panorama of legal sources, analysing the relationship between the protection of biodiversity and forests. Among the fundamental notions, which constitute the very essence of forest law, there is the legal notion of forest. This definition is closely characterized by the needs of biodiversity, above all where it implies the application of the criteria of multifunctionality and sustainable forest management. The article focuses on the current regulatory framework in the light of the fundamental notions of multifunctionality of the forest and management sustainable forestry and finally considers what is perhaps the most striking example of the protection of biodiversity applied to the forest environment, i.e. the case of old-growth forests and the attention that this category has recently aroused in national legislation and ministerial regulations, precisely for the strong environmental footprint and for the need to safeguard the biodiversity expressed in it.*

TUTELA DEGLI ECOSISTEMI MARINI E AREE COSTIERE

*Marine ecosystems – Coastal protection strategies  
Coastal planning activity biodiversity – European green deal*

ABSTRACT

*The article analyses the evolution of policies and regulations for the protection of marine ecosystems in the national and supranational context. In particular, attention is paid to the ecosystem protection in the context of the international and European framework of coastal protection strategies and planning activity. Therefore, the main criticalities of this system are highlighted, both concerning the weakness of governance, and concerning the overlapping and duplication of various legal instruments at administrative level.*

MARIAIDA CRISTARELLA ORISTANO

*Climate change – biodiversity – environmental protection  
Forest protection protected species – deforestation – Natura 2000  
Habitats directive – Birds directive – case law*

ABSTRACT

*Given the importance of natural habitats – and especially forests – for the protection of biodiversity, the contribution aims to present a comprehensive overview of the position taken by the European Union in the fight against deforestation. In particular, we will briefly review the European rules governing the protection of these territories, focusing more specifically on the well-known Natura 2000 and its two essential components: the Habitats Directive and the Birds Directive whose aim is, from above, the safeguarding of biodiversity through the conservation of natural habitats; on the other hand, the protection of the types of birds naturally living in the wild state through safeguarding of the European areas in which they are located. Finally, we will focus on some judgments of the Court of Justice of the European Union which, just recently, took a step forward in the interpretation of the provisions protecting of the areas under consideration, paving the way for new scenarios in favour of the conservation of the species.*

DIRITTO INTERNAZIONALE DELL'AMBIENTE

*Future generations – Global risks – Human right to the environment  
Treaties – International and national decisions*

ABSTRACT

*The protection of the environment today understood also as the preservation of those natural balances that allow the maintenance of life on the Earth, with special reference to global risks, such as the loss of biological diversity, the thinning of the ozone layer and climate change. These risks, which occur gradually in time, evoke the role of future generations, emphasized for the first time in 1987 by the report "Our Common Future" of the World Commission of Environment and Development. Several international treaties and decisions recall the needs of future generations, to whom some national judgments, for example the 1993 judgment by the Supreme Court of the Philippines on the Minor Oposa case, have recognized true legal rights. The theory of intergenerational equity may raise some doubts if children are selected as the representatives of future generations. The right to a sound environment should be understood as a fundamental human right belonging to every individual, if not as a right that man shares with all living (non-human) beings existing on the planet. The fact remains that the achievement of the human right to a sound environment is hindered by the persistent lack, on both the international and national level, of adequate procedural mechanisms and of specific organs that could bring actions to ensure such a right in the interest of present and future generations.*

WLADIMIRO TROISE MANGONI

*Biodiversity protection – Natura 2000 network sites – assessment of impact discretionary balancing of interests – electric power generating plants from renewable sources – environmental protection*

#### ABSTRACT

*The paper addresses the issue of the protection of biodiversity in the Natura 2000 network sites. In particular, the paper aims at examining the issues that arise from the study of the proceedings concerning the inclusion of a site in the Natura 2000 network and the assessment of impact in the case a project may have negative impact on a protected site. The authorization of a public-interest project (such as an electric power generating plant from renewable sources) impacting a Natura 2000 network site may require a discretionary balancing between biodiversity protection and the interest in carrying out a public work. In such cases, the provision of compensation measures may be a satisfactory solution for both interests.*

MORENA VERRENGIA

*Biodiversity Strategy – Marine ecosystems – Climate Change  
Ecosystem-based management approach*

#### ABSTRACT

*This article provides an overview of the main threats to the marine ecosystem and aims to highlight how they are closely interconnected. For this reason, the key to restoring and conserving marine biodiversity seems to be a successful integration of policies, both on European and domestic level. However, many barriers persist: for example, underdeveloped knowledge in many sectors; limited availability of monitoring systems; a difficult and controversial balancing of interests between climate policies and the protection of marine biodiversity.*