

ENVIRONMENTAL DISASTER OF ILVA-TARANTO AND VIOLATION OF HUMAN RIGHTS

1. A brief history of ILVA

The plant of ILVA Taranto is the largest European steel plant, recently purchased by the group Archelor-Mittal.

Since January 2015 ILVA Spa is led by 3 government appointed commissioners.

Taranto is a city located in the Puglia region, in the south east of the peninsula, with a rich historical heritage, cultural and artistic. City of ancient origins considered the capital of «Magna Grecia».

The ILVA plant in Taranto was built in 1960 at the expense of the state.

The choice of the city of Taranto was explained by the belief that type of industry would have guaranteed economic development in the short term in a poor territory and with an almost exclusively agricultural economy.

However, there is no increase in production capacity accompanied a strategic development plan of the surrounding area that has remained totally dependent on the steel industry while almost completely disappeared other local businesses that could favor and allow endogenous phenomena of development.

In 1995, in the general framework of privatization of state economic assets, the government Italian has decided to privatize the company by selling it to the Riva Group, 15 owned by the family Riva who controlled and managed the plant until 2015, when it was submitted to extraordinary administration.

Today the ILVA plant in Taranto employs about 11,000 people and represents 75% of the gross domestic product of the Province of Taranto, while 76% of the goods arriving at the port of Taranto is related to the activities of ILVA. Moreover ILVA guarantees

the work of a large number of employees of the industries of the armature (around 3,000).

In 1990 the Italian government had declared the province of Taranto a "high area risk of environmental crisis".

The emissions of ILVA pollutants have been the object of the years of several actions before the judicial authorities, some of which are still ongoing, due to pollution, environmental disaster, intentional and culpable, food poisoning, malicious omission of precautions against accidents at work, aggravated damage to public goods, spillage and jet of dangerous substances and atmospheric pollution.

The Gip of Taranto had the seizure without the right to use the facilities of ILVA because "*who managed and manages ILVA continued in this polluting activity with conscience and will for the logic of profit trampling on the most elementary rules of security*".

Following this provision, the Italian government has adopted several (now 10) measures legislative urgent c.d. «*Salva-ILVA*» with which he ordered the continuation of production despite the investigations of the judiciary and despite the devastating impact of ILVA had been proved on the population and the surrounding environment.

October 30, 2018 began the era of Arcelor-Mittal, who negotiated with the government the purchase of the steelwork without layoffs, but postponing to 2023 the environmental rehabilitation and modernization of the plants.

2. The impact of ILVA on the environment and on health of the population.

To have a perception, however partial, of the environmental impact of ILVA of Taranto can generate, the plant includes 8 mining parks, 2 quarries, 10 batteries to produce the coke, 5 blast furnaces, 2 steelworks with LD converters and 5 continuous castings, 2 rolling mills to hot for tapes, a hot rolling mill for sheet metal, a cold rolling mill, 3

lines of galvanizing, 3 pipes. There are 215 industrial chimneys of which the highest is 210 meters high.

Approximately 800 ships per year are destined for ILVA in the port of Taranto.

In the mining park there are 20 m high mountains of mineral iron, that occupy one surface area about 90 football fields.

These mining parks are still in the sky open and in presence of the least amount of wind (remember that Taranto is one sea city where the wind is common) or when the material is moved to start since it is loaded onto the tapes, enormous quantities of iron powders are dispersed in the air heavily polluting the surrounding environment.

The parks also stand on ground not waterproofed, thus making it easier to contaminate the groundwater, above all when, to contain the dispersion of dust, the parks are "wet".

ILVA was built completely immersed in the urban context of the city of Taranto, the mineral parks are located 170 meters from the residential area, the cokeries at 730 meters and the fence wall 135 meters from the nearest house in the Tamburi district which counts 18.000 inhabitants around.

The judges highlight how the company's top management (CEO, Chairman and Deputy Chairman of the Board of Directors, Director of the plant) would have put in place "*A criminal association for the purpose of committing more crimes against the public safety*" and would have deliberately omitted to take the appropriate measures required by law for risk management.

I can not cite all the data on the emissions of harmful substances but, the epidemiological report clarifies that «174 deaths were reported in the period 2004-2010 be caused by ILVA, 83 of which are attributable to exceedances of the limit value of environmental dustiness (PM10)".

The National institute Health Service has ascertained in the period 2003-2009:

- 1) the incidence of childhood cancer increased by 54% compared to the regional average and that of infant mortality of 11% compared to the regional average;
- 2) the excess of female tumors for women who live in the municipalities of Taranto and Statte respect at the provincial average it is 20%;
- 3) the excess of male tumors for men residing in the municipalities of Taranto and Statte compared to provincial average is 30%.

The dispersion of ILVA pollutants also leads to an increase in mortality on days immediately following those in which there is a wind coming from the upper North-West at 7 n / s for a period of 3 consecutive hours (so-called «Wind Days»).

In this days the ASL of Taranto has published several notices inviting the resident population in the neighborhoods adjacent to ILVA to take some precautionary measures at times when pollution levels are high (close windows, do not do outdoor activities).

It is good to highlight that there are also some primary and secondary schools (children aged 6 to 11 years) that arise near the ILVA plants.

Against this studies and documentation, the Mayor of Taranto has ordered the ban on playing in green areas, the ban on burying and to unearth the dead in the cemetery adjacent to the plant, the ban on the use of water flap in any capacity.

The population knows this situation well, but the protest are mild and not very organized.

They often rely on local politicians and only some heroic environmental organization breaks the silence.

The mothers of the Tamburi district, the closest to the plant and almost completely inhabited by the workers of ILVA, are particularly protesting.

But the protests are never too strong, because those mothers know that what kills their children feeds them.

3. ILVA: violation of human rights within EU

At this point it is legitimate to ask what is the responsibility of the Italian State in the face of this dramatic situation.

States are obliged to protect human rights of individuals in their jurisdiction as a result of signing and ratifying international human rights treaties such as International Covenants for Civil Rights, political, social, economic and cultural and, in the case of European States, the European Convention of human rights of man (ECHR).

The legal obligation of the state to protect human rights also joins the responsibility companies to respect these rights which arise independently from that of the authorities governmental.

Principles on Business and Human Rights are based on three pillars: the duty of the State to protect human rights, the responsibility of the companies to respect them and access to justice.

3.1 Right to life

The right to life is a fundamental right par excellence, an inalienable right of the human person without whom every other right would remain "illusory".

It is a right protected by all the international instruments for the protection of human rights and directly from many Constitutions national, which is not necessary to mention.

3.2 Right to health

The right to health is protected by art. 12 of the International Covenant on Economic, Social and Cultural Rights that Italy has ratified with Law No. 881 of October 25, 1977 and which recognizes: *“the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.*

The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:

a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;

b) The improvement of all aspects of environmental and industrial hygiene; c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases”.

Paragraph 2b of art. 12 has been interpreted to include all environmental consequences which can affect human health.

Furthermore, the same paragraph is considered comprehensive also measures necessary for the protection of workers' health and safety.

3.3 Right to live in a healthy environment

Although not having an independent recognition in international law the right to live in a healthy environment is closely connected with the right to health, protected by art. 12 of the Covenant international law on economic, social and cultural rights.

The precautionary approach

The precautionary approach it therefore makes it possible to better determine the contents of the duties of due diligence on States and requires them to adopt the regulatory, administrative and political instruments they guarantee adequate risk management even in those situations where, in the absence of certain evidence, there are threats to the environment.

The right to receive information

This right is based on the obligation of state authorities to provide access to the results of the investigations and studies on the environmental impact of industrial activities on all the actors involved so that these can make the best decisions for their wellbeing and for their families.

4 The ILVA case

In the light of the above, in the case of ILVA there can be no doubt about the dangerousness of the activities carried out and on the impact they have had and continue to have on the health of the inhabitants of Taranto and the surrounding environment.

The Italian State had and has the obligation to take all the measures necessary to prevent and remedy them violations and to sanction those who committed them.

It is not enough to adopt legislative measures that protect individual rights and the environment, but it is instead necessary for these measures to be implemented in practice and that any violations should be duly investigated and sanctioned.

Italy has a detailed legislative and administrative framework on protection environment that is in the abstract suitable to protect individuals and to guarantee the protection of the rights set out above also in light of the new law n. 68/2015 which foresees new environmental crimes.

But in the case of ILVA, in the face of serious violations committed by the company during the decades in which it operated private, the Italian State has negligently delayed the adoption of preventive and preventive measures precaution to contain the risks arising from exposure to the polluting emissions of ILVA.

Completely absent, or otherwise ineffective, were the sanctions: the main criminal proceedings related to the ILVA of Taranto are still ongoing and are very far from being completed, a circumstance that does not bode well for the effective protection of victims.

The Italian Government has adopted one series of legislative measures that have effectively blocked the action of the judiciary and slowed down further the measures required by EU law to contain and limit the damage caused.

Despite the dramatic situation described above has been progressively granted to the ILVA management to extend the terms for completion of the AIA until 2023 and the

penal and administrative immunity to the current managers and prospective buyers for the activities carried out in implementation of the environmental plan.

Finally, it is noted that the citizens of Taranto have never been informed of the gravity of the situation linked to the pollution of the areas surrounding the ILVA and the impact of industrial activities on the health.

For example, before April 2005 there was no notification of presence dioxin and the environmental association Peacelink denounced the presence of dioxins in cheese and animals and not the Taranto authorities.

It appears evident therefore that the population did not receive adequate information from the authorities and he could not realistically evaluate the risks he faced and kept on living and work in the area adjacent to ILVA.

Notice finally how in the neighborhood Tamburi survive still some elementary and middle schools: it seems frankly disconcerting that, in the light of all the studies carried out and reported here, there has not yet been any provision aimed at moving them schools in a safer area to ensure that children who attend them have the possibility of a lifetime healthy and normal growth.

The Italian Constitutional Court, in the recent sentence no. 58/2018 stated "*The legislator has excessively privileged the interest in the continuation of productive activity, completely neglecting the requirements of inviolable constitutional rights linked to the protection of health and life itself, which must be considered inseparably connected the right to work in a safe and non-hazardous environment*"

5. Conclusioni

The history of ILVA deserves to be told to underline how, in a highly developed country industrialized and endowed with a complex national and legislative binding framework supranational rights in the field of fundamental rights and environmental

protection, as well as power independent judiciary, it is possible that a story is not only produced but continues produced for decades fueled by the need for employment and economic "development".

In an interview Mr. Giuseppe Roberto, a former ILVA worker, declared "*At the time we were not aware of the problems we would have created for the city and for us themselves.*

I discovered that we used carcinogenic compounds, in large quantities, so disposed of irregular.

When I got sick, I realized that it was no longer sustainable for me and the environment where I lived. And the effects were felt. From youth unemployment to diseases, to cancers. “

This story highlights how easy it is that a state, also developed and "by right", privileges the interests of investors in the protection of individual rights.

This phenomenon is called "*occupational blackmail*": condemn themselves, their children and the entire territory, in which they were born, to die of pollution so as not to die of hunger.