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Searching for alternatives to unsustainable and inequitable model of 'development'

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## Is Italy's new vision for environmental protection a real commitment to carbon neutrality?

April 3, 2022 Alternatives, Climate Change, Economy, Energy, Environment, New Politics, Power Dynamic

Fausto Corvino and Mitja Stefancic

Italy is taking important steps to address its current environmental and social challenges. With the needs and aspirations of the coming generations in mind, the country recently amended its constitution to adopt a new approach to the use and management of natural resources so as to adequately preserve the country's biodiversity and its rich ecosystem.

### Amendments to Articles 9 and 41 of the Italian Constitution

On February 8, 2022, the Chamber of Deputies of the Italian Parliament gave its final approval to the proposed constitutional law amending Articles 9 and 41 of the Constitution. The original version of Article 9 had a narrow focus, merely stating that the Italian Republic "safeguards the natural landscape and the historical and artistic heritage of the Nation." The amendment, now, expands on that wording, and thus on the fundamental principles of the constitutional charter (Articles 1-12) by stressing that the Republic "safeguards the environment, biodiversity and ecosystems, also in the interest of future generations. The law regulates the ways and forms of animal protection." As noted by experts such as Alessia Ottavia Cozzi of the University Of Udine, this specification should help protect natural resources in a more objective way, comparable to the current practices in other large European countries such as France.



Through a series of amendments to its constitution, Italy has moved in the direction of aligning itself to European standards on environmental protection.

Additionally, Article 41, which has also been amended and is part of Title III Economic Relations of the Constitution states in paragraph 1 that “private economic enterprise is free”, and the previous version of its 2<sup>nd</sup> clause specified that such enterprises “may not be carried out against the common good or in such a manner that could damage safety, liberty and human dignity.” The amended version, now, includes a reference to health and nature; specifically, it clarifies that private enterprises “may not be carried out against the common good or in such a manner that could damage health, the environment, safety, liberty or human dignity.”

Finally, in its original version, clause 3 of Article 41 stated that, “the law shall provide for appropriate programs and controls so that public and private-sector economic activity may be oriented and coordinated for social purposes.” The new version of clause 3 takes into account the environmental purposes along with the social ones, stating that, “the law shall provide for appropriate programs and controls so that public and private-sector economic activity may be oriented and coordinated for social and environmental purposes.”

### Assessing the amendments

The recent amendments help align the Italian constitution with the evolving societal reflections on the crucial relationship between the environment and people. First, the reform helps standardize the constitution to about 100 other constitutions in the world, which provide for a right to a “healthy environment”. Until recently, the Italian Constitution only referenced “protection” of the environment, which was essentially conceived as the landscape, highlighting the document’s original anthropocentric bias. The reform of Article 41, however, recognizes the intrinsic value of the environment, and by introducing a direct reference to health it goes on to underscore the correlation between environmental protection and human wellbeing.

Secondly, the amended text of the Constitution points to the new environmental goals as aspirational parameters for private activity by public bodies and public entities operating in the country. From a business point of view, obviously, it is difficult for this principle to be translated into concrete obligations except through subsequent legislative acts. This tension is apparent in the world’s inability to live up to the standards that have been set over the last few years to mitigate climate change and preserve ecosystems. The Paris Agreement, for instance, commits parties to work together to keep global warming below 2°C above pre-industrial levels, even though it recognizes that a target of 1.5°C is even more desirable. With the Glasgow Climate Pact (2021), on the other hand, the parties committed to reviewing their respective emission reduction

targets for 2030 by 2022. The European Climate Law, passed in 2021, sets the goal of climate neutrality by 2050, and at the same time establishes an intermediate target of reducing emissions by 55% from 1990 levels by 2030. It is against this backdrop that we should assess Italy's use of energy and its management of natural resources. Additionally, it would also be prudent to factor in the impact of the Russia-Ukraine conflict on this issue.



The climate emergency is no longer an academic issue in Italy – it is being increasingly experienced by the people as a major threat.

Currently, around 40% of Italy's energy consumption is secured by natural gas, 23% by oil and 20% by renewables, while the remaining 17% is met through other sources. Italy's emissions in 2019 were about 20% lower than in 1990, but decarbonization results differ between sectors. For example, emissions from transport and construction are now higher than in 1990. The recently formed Ministry of Ecological Transition has announced an ambitious target: a 60% reduction in emissions by 2030 from those in 1990. Also, at COP26 the Italian government endorsed the long-term goal of climate neutrality by 2050. Nevertheless, the announcements have not yet been followed up with any formal policy or development strategy. According to Climate Analytics estimates, a 2030 emission reduction target for Italy that is compatible with the 1.5°C objective implies a reduction in emissions of between 67% and 73% compared to 1990.

Arguably, even though no precise obligations for companies can be deduced from these collective and global objectives beyond those indicated by law, climate neutrality is a zero-sum game in the medium term. The amended Italian Constitution does not contain a direct call for climate neutrality (nor does it aim to do so), but the latter can be inferred from the double clause on the protection of the environment and future generations, which has been introduced recently through the amendments. . The new provision encourages both private and public entities to work together to progressively reduce emissions in Italy, and to set up natural and technological solutions for carbon dioxide removal.

Thirdly, while before the constitutional reform Italy was perhaps the only major European country without a proper reference to the environment in its Constitution, the country has, now, become one of the few on the continent to (indirectly) call for more stringent environmental protection measures without having adopted a climate law. It can be argued that in setting the new standards, the Italian legislators have decided to adopt a top-down approach: from the reform of the constitutional charter to (hopefully) climate legislation that sets clear targets for reducing emissions by 2030 (compared to

the 1990 levels), with clear sectoral targets, as it has happened in France, Spain, Germany, Belgium and elsewhere.

### Steps needed to align Italy with European standards

For the recent amendments to have concrete and meaningful impact on the climate crisis, Italy needs to adopt legislation with a two pronged approach: first it needs to institute sensible obligations on companies by setting the framework for achieving sectoral targets, and secondly it should actively complement the efforts of private players promoting climate neutrality, thereby establishing economy wide best practices. There is, however, a certain apprehension that the constitutional reform may remain restricted in its impact, which is borne out by events following the amendments. Tellingly, within a few weeks of the final vote of the Italian Parliament in support of the constitutional reform, the Italian Ministry of Ecological Transition authorized a doubling of gas production in the country through a measure called PiTESAI – “Piano della transizione energetica sostenibile delle aree idonee” (Plan for the Sustainable Energy Transition of Suitable Areas).



The recent amendments to the constitution should motivate Italian lawmakers to enact legislations to achieve the country's climate goals.

Essentially, PiTESAI is a response to the recent surge in energy prices, but it's based on the much debatable assumption that the gas produced in Italy is cheaper. This measure has been criticized for a number of reasons. Firstly, producing more gas is incompatible with the goal of climate neutrality by 2050 and also with the intermediate target of halving CO2 emissions over the next ten years. Secondly, the short-term economic benefits of new extractions are quite limited considering that Italy currently produces less than 5% of its natural gas, and that natural gas covers only 40% of Italy's energy demand. Thirdly, even if Italy were able to produce 10% of the natural gas it needs, this would still not suffice to limit the country's dependence on gas imports to meet its demand. Analysts, therefore, are convinced that that the game (increasing natural gas production in Italy) is not worth the candle (consumer benefits net of climate impact of the government measure). The main beneficiaries of this attempt by the Italian government to respond to rising energy costs may ultimately be the Italian oil companies rather than citizens themselves.

### Italian energy strategy following the war in Ukraine

The conflict in Ukraine has naturally introduced an element of unpredictability into Italy's medium and long-term energy strategy. Of the total natural gas imported into Italy, about 41% comes from Russia, followed by Algeria (21.5%), Norway (9.8%), Qatar (9.8%),

Libya (6.2%), and the United States (2.4%). If the flow of gas from the Nord Stream 1 pipeline, through which Russia sends around 60 billion cubic meters of gas to Europe, were to stop, the Italian economy would be in great difficulty. Prime Minister Mario Draghi recently tried to reassure the country pointing out that Italy currently has natural gas reserves of 2.5 billion cubic meters. But, that's quite minimal given that Italy imports 28.5 billion cubic meters of gas from Russia every year. Nevertheless, it would probably be enough, at least according to Prime Minister Draghi, to meet Italy's immediate energy demand as temperatures rise April onwards. Beyond the short term, however, the crisis in Ukraine certainly entails energy risks that threaten Italy's decarbonization commitments for 2030.

There are several proposals on the table to replace Russian gas in Italy. Firstly, there is talk of increasing imports of liquefied gas from the United States, which, however, would entail expanding Italy's regasification capacity. The country, currently, has three plants for that purpose, and the Energy Transition Minister Roberto Cingolani recently spoke of the need to expand the efficiency of existing regasification plants, to evaluate the construction of new ones and to install a floating regasifier by the middle of this year. Secondly, the Italian government has moved in recent weeks to secure increased energy supplies of natural gas from other foreign partners. Algeria has already pledged to increase its supplies of natural gas to Italy by two billion cubic meters a year (it already exports five billion cubic meters), and aims to achieve an annual supply of 30 billion cubic meters of natural gas in the coming years. The same could be done by Qatar, with which the Italian government is negotiating an immediate increase in supplies.

## Conclusion

Italy's large exposure to the energy fallout from the Ukrainian conflict is a direct consequence of the low levels of investments in renewables during the past two decades. Concerned analysts assert that the answer to the reduction in gas supply and the consequent price increase is a resolute move towards decarbonization, rather than a sometimes-desperate attempt to boost the supply of non-renewables. It is no coincidence that in recent weeks there has also been renewed talk in Italy of coal-fired power stations: there are currently seven of them, covering around 5% of Italy's energy demand, but according to previous plans they should be closed by 2025. In the frantic days following the Russian invasion, the Italian government had feared the possibility of increasing coal production in the short term to make up for a possible sudden lack of natural gas. The danger, however, seems to have receded. In conclusion, Italy is at a crossroads: on the one hand, a decisive shift towards a carbon-free society and, on the other, a perhaps irreparable bogging down in fossil fuels. Let's hope that the recent constitutional changes show the right path to follow.

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