



Nine questions to understand Civil Protections problems around the globe

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CIMA Research Foundation has been studying, for the past years, a new branch of Italian criminal law; focus of the research is the effect that the Italian jurisprudential system has on Civil Protection (CP) activities. The Italian Constitution, in fact, according to article 112 obliges prosecutors to initiate criminal proceedings in the case of death or damage to properties. Our legal system (civil law) binds the magistrature to the sole interpretation of rules and laws. This legal constrain, which has to be considered as a conquest of freedom and equality by our society, poses however several problems of systemic nature: CP operators, more often confronted with the risk of being personally accused of manslaughter, became more precautious. The problem is, de facto, very similar to the notorious issue of defensive medicine, caused by comparable legal measures. One very first effect that we have observed has been the rapid increase of alerts issued by our system in order to reduce the risk of being condemned for omissive crimes.

Moreover, the media played a very important role in depicting a fictitious perception of inefficiency towards the population. News pages are filled with incompliant CP operations, rarely intervening when they are carried on meticulously in extremely difficult situations. L'Aquila earthquake (Abruzzo region, 2009) is one example that must be strongly emphasized. The members of the Commissione Grandi Rischi, national scientific reference for the Department of Civil Protection, have been charged with the accusations of manslaughter for having communicated wrongly the risk of a possible earthquake in the region. No, or very little, attention has been paid on the fact that a modest earthquake, in terms of released energy, has crumbled an entire city known for its high risk of seismicity, including its newest infrastructures. No, or very little, attention has been paid on the fact that the response of the CP has been extraordinary rapid, greatly reducing a possibly catastrophic death toll.

The fact that the Italian society is starting to believe that one of the most functional system of CP in the world is inefficient, triggered the necessity to examine if the same interference between CP and the legal system have been problematic also abroad.

Thus, in order to stimulate a critical revision of normative systems and to enhance a mutual interest on the comprehensive understanding of CP practices across our Countries, a questionnaire has been distributed to scientists and jurists involved with CP activities. The necessity of interacting with different societal and jurisprudential models - common and civil law systems - stemmed from the different approaches that every state has towards the paradigm of tort compensation. The class action carried on in the United States after Hurricane Katrina can be regarded as a specular way of tackling tort compensation. In this case, for example, a civil, rather than criminal, proceeding has been carried on.

The ambition of this work is to create a think tank capable of providing a detailed comparison on how CPs, jurisprudential systems, the media and society interact in different countries. Its institution will facilitate the identification of normative best practices, while, at the same time, encourage a shared road map of common strategies for a sustainable Civil Protection.